

2002

Jau-Fei Chen, Chi wei Zhang, E. Lei Zhang, and E.  
E. Zhang v. Jau-Hwa Stewart, E. Excel International,  
Inc. and Does 1-10 v. Taig Stewart, Beverly Warner,  
Angela Barclay, Dale Stewart, Hwan Lan Chen, et al  
: Unknown

Utah Supreme Court

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**FILED**  
UTAH SUPREME COURT

**DEC - 5 2003**

PAT BARTHOLOMEW  
CLERK OF THE COURT

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**IN THE UTAH SUPREME COURT**

JAU-FEI CHEN, individually and as the  
natural guardian of CHI WEI ZHANG, E.  
LEI ZHANG, and E. E. ZHANG, her  
minor children,

Plaintiffs/Appellees,

vs.

JAU-HWA STEWART, E. EXCEL  
INTERNATIONAL, INC., a Utah  
corporation, and Does 1 through X. ,

Defendants/Appellant.

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E. EXCEL INTERNATIONAL, INC., a  
Utah corporation,

Third-Party Plaintiff/Cross  
Appellee,

vs.

TAIG STEWART; BEVERLY  
WARNER; ANGELA BARCLAY;  
DALE STEWART; HWAN LAN CHEN,  
et al.,

Third-Party  
Defendants/Cross  
Appellants.

**ERRATA**



Supreme Court No. 20020927 SC

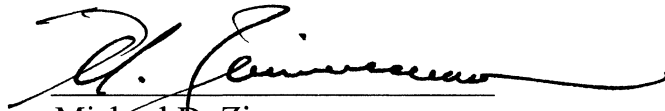
Third Party Plaintiff / Appellee E. Excel International, Inc. ("E. Excel"), through counsel, respectfully notes that a word was omitted on page 70 of E. Excel's brief. The first full sentence of page 70 should read as follows:

"Finally, it is noteworthy that Madame Chen does not explain how she suffered any actual prejudice by reason of not being formally represented by counsel for 4 of 22 hearing dates."

The word "not" was accidentally omitted. Copies of the corrected page for the court and for counsel of record are attached hereto.

DATED this 5th day of December, 2003.

Snell & Wilmer L.L.P.

A handwritten signature in black ink, appearing to read "M. D. Zimmerman", written over a horizontal line.

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Todd Shaughnessy

James D. Gardner

Kimberly Neville

Attorneys for E. Excel International, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2003, a true and correct copy of the foregoing

***ERRATA*** was served via regular mail, postage prepaid, upon the following:

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they could have acted more expeditiously.

(R. 14258 at 35).

Finally, it is noteworthy that Madame Chen does not explain how she suffered any actual prejudice by reason of not being formally represented by counsel for 4 of the 22 hearing dates. See Madame Chen's Br. at 74-77.

This court should reject Madame Chen's due process claim both because it was not properly preserved and because it lacks any merit.

### **CONCLUSION**

The trial court in this case was confronted with a highly unusual situation. The court had before it a company, E. Excel, that had become the battleground of a highly contentious family war. That war was being fought by individuals with astounding personal wealth, an endless appetite for confrontation, and very little regard for the American rule of law. The trial court correctly recognized that E. Excel was not mere pawn, but a separate legal entity, with employees and distributors who depended on it for their livelihood. The trial court saw that this unusual situation required immediate action if E. Excel was to survive the pending litigation. The trial court's decisions to appoint an independent CEO / President, and to enter TRO's and preliminary injunctions, were solidly within its discretion. These decisions were not made casually – they were made only after what must be among the longest preliminary injunction proceedings in the history of this state.

The appellants' attacks on those rulings should be rejected because, as explained above, they are entirely without merit. But this court also should recognize the