

1983

Lloydona Peters Enterprises, Inc. v. Dale M. Dorius and Deloris P. Dorius : Appellant's Petition for Rehearing

Utah Supreme Court

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Walter G. Mann; Attorneys for Defendants and Respondents;

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FILED

MAR 16 1983

Clerk, Supreme Court, Utah

IN THE SUPREME COURT OF THE STATE OF UTAH

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| LLOYDONNA PETERS ENTERPRISES, INC.,) | |
| Plaintiff-Appellant,) | APPELLANTS PETITION FOR |
| vs.) | REHEARING |
| DALE M. DORIUS and DELORIS P. DORIUS,) | Civil No. 18059 |
| Defendants-Respondants.) | |

COMES NOW the Plaintiff-Appellant, by and through its attorneys of record, and petitions this Court for a rehearing of its Appeal, which Appeal was denied in a decision by this Court filed February 10, 1983. Plaintiff-Appellant bases its petition for rehearing upon the following points wherein it is alleged the Supreme Court erred:

1. The majority holding of the Court's opinion failed to consider the deadlock which existed and continues to exist between the two sets of sisters, which deadlock has effectively prevented the Board of Directors of the Appellant Corporation from making a resolution authorizing the president to protect significant assets of the corporation.

2. The majority decision of the Court failed to consider the matter in which the "sale" of the real property in question was accepted by the Board of Directors, and failed to consider the lack of an affirmative approval of the sale by the Board of Directors.

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3. The majority decision of the Court is in error in not holding that the case at bar comes under the Kamas Security Company vs. Taylor, decision in the following:

- (a) By failing to differentiate between the "significant asset" in Kamas and the "significant asset" and the present case; and,
- (b) By failing to distinguish between the inability of a Board of Directors to meet and the inability of a Board of Directors to make a resolution authorizing the President of that corporation to protect significant assets of the corporation.

WHEREFORE, Plaintiff-Appellant, petitions the Court to reconsider and rehear the matter previously submitted to the Court and that Plaintiff-Appellant be permitted to file briefs and give oral argument to the Court on the issues raised in its original appeal.

DATED this 16th day of March, 1983.

ROMNEY, NELSON & CASSITY

Attorney for Plaintiff-Appellant

CERTIFICATE OF MAILING

I hereby certify that I mailed two copies of the foregoing Appellants
Petition for Rehearing to Defendant, by mailing a copy thereof to their
attorney, Walter G. Mann, 35 First Security Bank Building, P.O. Box "F",
Brigham City, Utah 84302, by U.S. Mail, postage prepaid, this 16th day of
March, 1983.

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