

1990

## Gourdin v. Scera : Unknown

Utah Supreme Court

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BRIEF

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September 30, 1991

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Geoffrey J. Butler, Court Clerk  
Supreme Court of Utah  
332 State Capitol  
Salt Lake City, UT 84114

FILED

OCT 2 1991

CLERK SUPREME COURT  
UTAH

Re: Gourdin v. SCERA  
Appellate No. 900523

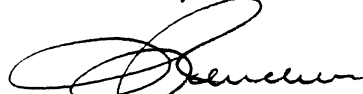
Dear Mr. Butler:

Pursuant to Rule 24(j) of the Utah Rules of Appellate Procedure, defendant Sharon's Cultural Educational Recreational Association (SCERA) wishes to supplement its brief with plaintiff's recently filed complaint in support of defendant/appellee's arguments in Points I through III of its brief that plaintiff was an employee of defendant at the time he was injured.

We appreciate your assistance.

Very truly yours,

HANSON, EPPERSON & SMITH



David H. Epperson  
Jaryl L. Rencher

JLR:bg  
Enclosures  
cc: Brent D. Young

GOURDIN\Butler.ltr\86-521D

Served - 19 SEP 91  
Jpord SPEDN'S CULTURAL EDUCATIONAL RECREATION  
AT UTAH COUNTY STATE F UTAH ASSOC  
By [Signature]  
UTAH COUNTY S. PRECINCT

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY  
STATE OF UTAH

Civil No. 910400405P1

Brent D. Young  
BRENT D. YOUNG

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IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY  
STATE OF UTAH

SCOTT GOURDIN, a minor, by and through his guardian ad litem, Wayne C. Close,

Plaintiff,

**VS.**

SHARON'S CULTURAL EDUCATIONAL  
RECREATION ASSOCIATION (SCERA),

Defendant.

[illegible]

## COMPLAINT

Civil No. 910400405P1

1. Plaintiff brings this action to preserve his rights should the Utah Supreme Court rule in the appeal pending before it that the injured minor, Scott Gourdin, was a statutory employee of defendant on June 21, 1985, whose exclusive remedy is under the Workers's Compensation Act.

2. This action does not constitute a waiver of presently pending claims and is wholly dependent upon the ruling of the Utah Supreme Court.

3. On June 21, 1985, Scott Gourdin, a seven year old minor child, was mowing the lawn at defendant's theatre located at 745 South State Street, Orem, Utah.

4. Scott Gourdin was injured while mowing defendant's lawn.

5. Defendant did not provide worker's compensation coverage for Scott Gourdin or, in the alternative, did not file the claim as required.

6. Dependent upon the ruling of the Utah Supreme Court in the pending appeal, plaintiff is entitled to recover for his injuries pursuant to Utah Code Anno. §35-1-57, in an amount to be proved at trial.

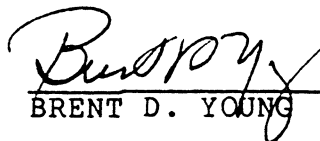
7. Scott Gourdin has received medical treatment at substantial cost.

8. Plaintiff must bring this action at this time to toll the statute of limitations for this injury.

WHEREFORE, plaintiff prays for the following relief from defendant:

- 1) Special damages in an amount to be proven at trial.
- 2) General damages in an amount to be proven at trial.
- 3) Costs of court incurred herein.
- 4) Such other, and further relief as the court deems just in the premises.

dated: June 20, 1991.

  
BRENT D. YOUNG