

1991

Malcolm v. Utah : Unknown

Utah Supreme Court

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_sc1

 Part of the [Law Commons](#)

Original Brief Submitted to the Utah Supreme Court; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Hans M. Scheffler; Thomas A. Duffin; Jensen, Duffin, Carman, Dibb & Jackson; Attorneys for Appellee.

R. Paul Van Dam; Attorney General; Debra J. Moore; Assistant Attorney General; Attorneys for Appellant.

Recommended Citation

Legal Brief, *Malcolm v. Utah*, No. 910300.00 (Utah Supreme Court, 1991).
https://digitalcommons.law.byu.edu/byu_sc1/3604

This Legal Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Supreme Court Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

DRIFT

OFFICE OF THE ATTORNEY GENERAL

UTAH
DOCUMENT
KFU
50
.A10
DOCKET NO. 910 300



FILED

DEC 14 1993

CLERK SUPREME COURT
UTAH

JAN GRAHAM
ATTORNEY GENERAL

JOHN F. CLARK
Counsel to the Attorney General

CAROL CLAWSON
Solicitor General

REED RICHARDS
Chief Deputy Attorney General

PALMER DEPAULIS
Director of Public Policy & Communications

December 14, 1993

Hand Delivered

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

Re: Malcolm v. State, No. 910300

Dear Mr. Butler:

I am writing pursuant to Rule 24(j) of the Utah Rules of Appellate Procedure to advise the Court of some Utah Supreme Court cases that were decided after the briefs in the above referenced matter were filed with the Court. This matter is scheduled for oral argument on January 11, 1994.

Point I A of the State's brief (p. 15) argues that the State had no reason to believe that Carson was likely to harm Malcolm, either specifically or as a member of a distinct group, and thus owed no duty to protect her. The following cases are relevant to that argument:

Hunsaker v. State, No. 910366 (Utah, Nov. 30, 1993)
Higgins v. Salt Lake County, 855 P.2d 231 (Utah 1993)

Point II of the State's brief (p. 26) argues that the State is immune from Malcolm's negligence claims. The following cases are relevant to that argument:

Higgins v. Salt Lake County, 855 P.2d 231 (Utah 1993)
Ledfors v. Emery County School Dist., 849 P.2d 1162 (Utah 1993)

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol Clawson', with a horizontal line extending from the end of the signature.

CAROL CLAWSON
Solicitor General

cc: Hans M. Scheffler
Thomas A. Duffin
Jensen, Duffin, Carman, Dibb & Jackson
311 South State St., Suite 380
Salt Lake City, Utah 84111