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Kerry Pipkin v. Randy Haugen, Kip Cashmore,
Quick Cash, LLC, USA Cash Stores, USA Cash
Services, QC Instant Cash, RKT Holding
Company: Reply Brief

Utah Court of Appeals

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UTAH COURT OF APPEALS

KERRY PIPKIN,) APPELLANT'S REPLY BRIEF
)
Plaintiff and Appellant,) Appellate Case No.20011028-CA
)
vs.)
)
RANDY HAUGEN, KIP CASHMORE,)
QUICK CASH, LLC, USA CASH)
STORES, USA CASH SERVICES, QC)
INSTANT CASH, RKT HOLDING)
COMPANY, and DOES 1-50, inclusive.)
)
Defendants and Appellees.)

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Paulette Stagg
Clerk of the Court

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REPLY ARGUMENT

In their brief, appellees contend that the declarations of Randy Haugen and Kip Cashmore state the true facts of this case and that the declarations of appellant Kerry Pipkin and attorney Etan E. Rosen submitted should not even be considered. This contention is based on appellees taking statements included in the declarations out of context, misinterpreting them and arguing semantics.

Appellees, at the same time as the summary judgment motion, filed a Motion to Strike the Declarations of Etan Rosen and Kerry Pipkin. The Court refused to strike the declarations. However, appellees again argue that appellant's declarations should be stricken. Because summary judgment was brought so early in this case there was still evidence yet to be discovered and developed. Just because the declarations submitted by appellant is contrary to those submitted by appellees, does not justify granting summary judgment. The very fact that the appellant's declarations are contrary to appellees' declarations raises a triable issue of material fact.

This entire case is replete with disputed facts and should be allowed to proceed to trial. Appellant's case can be supported by more than declarations. There is admissible evidence in the form of witnesses and documentation that can be authenticated, given the opportunity. Summary judgment should not have been granted given the fact that appellant

has not been given the opportunity to prove his case beyond declarations. The declarations submitted by appellant and appellees contain enough triable issues to warrant denial of summary judgment.

CONCLUSION

For the reasons stated above, plaintiff respectfully requests that his appeal be granted thereby denying defendants' Motion for Summary Judgment.

Dated 02/26/2

BEYER, PONGRATZ & ROSEN


By 

Etan E. Rosen
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I mailed two true and correct copies of the foregoing
APPELLANT'S REPLY BRIEF by depositing the same
in the U.S. mail, postage prepaid, on the 1st day of ~~July~~^{Aug}, 2002, addressed to the
following:

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