

2003

Kelley Smith and Lisa Nielsen v. Hales & Warner  
Construction, Inc., and Corporation of the  
Presiding Bishop of the Church of Jesus Christ of  
Latter-Day Saints : Unknown

Utah Court of Appeals

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Unknown.

Unknown.

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JAN 12 2004

Paulette Stagg  
Clerk of the Court

THE UTAH COURT OF APPEALS

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Kelley Smith and Lisa )  
Nielsen, Individually and as )  
Heirs of Jason Kelley Smith, )  
Deceased, )  
 )  
Plaintiffs and Appellants, )  
 )  
v )  
 )  
Hales & Warner Construction, )  
Inc , a Utah Corporation, and )  
Corporation of the Presiding )  
Bishop of the Church of Jesus )  
Christ of Latter-Day Saints, )  
a Utah Corp , )  
 )  
Defendants and Appellees )

ORDER  
Case No 20030901-CA

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Before Judges Billings, Davis, and Thorne

This matter is before the court on Appellee's (Hales & Warner Construction) motion for summary dismissal pursuant to Rule 10 of the Utah Rules of Appellate Procedure on the basis that the issues presented on appeal are so insubstantial as to not merit further consideration by this court Appellant filed an objection to the motion and Appellee (Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints) filed a memorandum in support of the motion for summary disposition

It is HEREBY ORDERED THAT Appellee's motion for summary disposition is denied and ruling on the issues is deferred pending briefing and full consideration by this court This court will notify the parties upon setting a briefing schedule

Dated this 12<sup>th</sup> day of January, 2004

FOR THE COURT

*Judith M. Billings*

Judith M Billings,  
Associate Presiding Judge

CERTIFICATE OF MAILING

I hereby certify that on January 12, 2004, a true and correct copy of the foregoing ORDER was deposited in the United States mail to the parties listed below

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Dated this January 12, 2004

By *Lisa Collins*  
Deputy Clerk

Case No 20030901