

1984

Utah County, A Body Corporate And Politic of the State of Utah v. Orem City, A Municipal Corporation of the State of Utah; Payson City, A Municipal Corporation of the State of Utah; And Pleasant Grove City, A Municipal Corporation of the State of Utah : Reply Brief of Appellant, Pleasant Grove City

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IN THE SUPREME COURT OF THE STATE OF UTAH

UTAH COUNTY, a body corporate
and politic of the State of Utah,)

Plaintiff-Respondent,)

vs.)

Case No. 19,138

OREM CITY, a municipal corporation
of the State of Utah; PAYSON CITY,
a municipal corporation of the
State of Utah; and PLEASANT GROVE
CITY, a municipal corporation of
the State of Utah,)

Defendants-Appellants.)

REPLY BRIEF OF APPELLANT, PLEASANT GROVE CITY

APPEAL FROM THE JUDGMENT OF THE FOURTH JUDICIAL
DISTRICT COURT OF UTAH COUNTY,
THE HONORABLE ALLEN B. SORENSEN, JUDGE

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CITY, a municipal corporation of)
the State of Utah,)

Defendants-Appellants.)

REPLY BRIEF OF APPELLANT, PLEASANT GROVE CITY

NATURE OF THE CASE

This is an appeal from a decision granting the respondent's Motion for Summary Judgment.

DISPOSITION IN LOWER COURT

The Fourth Judicial District Court, Judge Allen B. Sorensen presiding, granted Respondent Utah County's Motion for Summary Judgment on the issue of whether the appellant cities have a duty under Utah law to reimburse the respondent for the costs incurred in housing violators of municipal ordinances in the county jail. The trial Court ruled that the cities have a duty to reimburse the County on the basis of Sec. 10-8-58, Utah Code Annotated, (1953, as amended), and in reliance upon the case of Grand Forks County v. City of Grand Forks, 123 N.W.2d 42 (N.D. 1964).

NATURE OF RELIEF SOUGHT ON APPEAL

The appellant seeks to have this Court reverse the summary

judgment granted below and instruct the trial court to enter summary judgment for the appellants.

STATEMENT OF FACTS

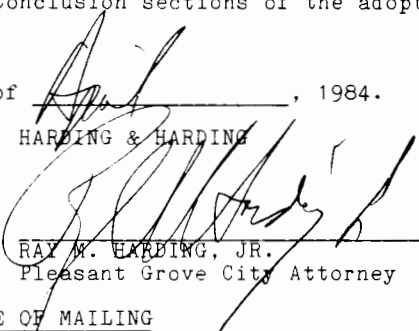
The facts of this case are as set forth in the statement of facts contained in Pleasant Grove City's original brief and in the original brief of appellants City of Orem and Payson City.

ARGUMENT

Appellant, Pleasant Grove City, hereby adopts and incorporates by reference the Argument and Conclusion sections of the Reply Brief of Appellants City of Orem and Payson City, as if fully set forth herein. Authority citation and Table of Contents references herein correspond with the Argument and Conclusion sections of the adopted materials.

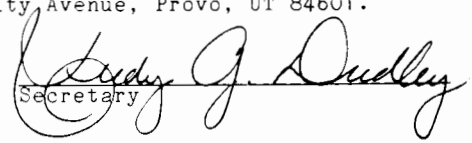
DATED this 30th day of April, 1984.

HARDING & HARDING


RAY M. HARDING, JR.
Pleasant Grove City Attorney

CERTIFICATE OF MAILING

I hereby certify that I mailed a true and correct copy of the foregoing Reply Brief of Appellant, Pleasant Grove City, this 30th day of April, 1984, postage prepaid by first-class mail to: Mr. Bryce D. McEuen, Orem City Attorney, 56 North State, Orem, UT 84057; Mr. Dave McMullin, Payson City Attorney, P. O. Box 176, Payson, UT 84651 and to Mr. Noall T. Wootton, Utah County Attorney, 51 South University Avenue, Provo, UT 84601.


Secretary