

2004

# Jamis M. Johnson v. Jayson Orvis : Brief of Appellant

Utah Court of Appeals

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FILED  
**UTAH APPELLATE COURT**  
JL

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**IN THE UTAH COURT OF APPEALS  
STATE OF UTAH**

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JAMIS M. JOHNSON,

Appellant,

vs.

JAYSON ORVIS,

Appellee.

Case No. 20041122-CA

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**APPELLANT'S ERRATA SHEET**

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APPEAL FROM THE STATE OF UTAH THIRD DISTRICT COURT  
CASE NO. 010907449, THE HONORABLE TIMOTHY HANSON

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Please take note that the following typographical errors were accidentally submitted in Appellant's Reply Brief dated January 14, 2006, which should be corrected (corrections are set forth in bold, underlined italics):

1) The sentence which begins with the last word on p.6 of the Reply Brief and ends on p. 7 of the Reply Brief should read: " Judge Hanson being of such disposition then ruled on this Motion for Summary Judgment that no 'mistake' had occurred with respect to Johnson's answer."

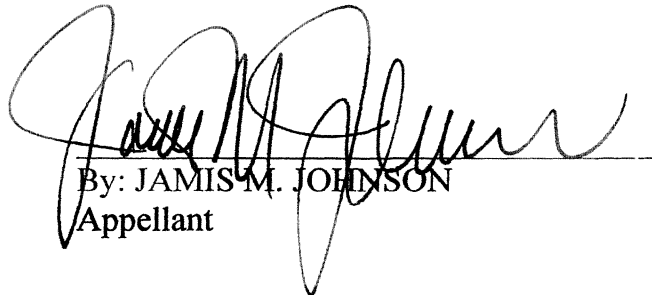
2) The first two sentences of Argument I(B)(ii) which are currently one sentence should read: The second disputed material issue of fact is whether Orvis is a party or privy to the SBA judgment action. For judicial estoppel to apply, the parties to the prior (SBA) case and this case must be identical (*see In re Johnson*, 518 F.2d 246, 252 (10<sup>th</sup> Cir. 1975) or in privity (*see Tracy Loan & Trust Co. v. Openshaw Inv.*, 132 P.2d 388 (Utah 1942)). Orvis is clearly not the SBA."

3) The first complete sentence on p. 10 should read: "One or the other Orvis or the partnership may be a privy, but not both."

4) The first sentence of the first full paragraph on p. 17 should read: "Orvis tries, superficially, to rely on federal law to urge overturning Tracy to adopt new standards for application of judicial estoppel for Utah."

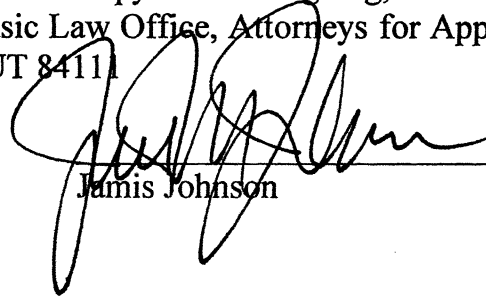
5) The first sentence of Argument II(D) on p. 25 should read: "Because the judicial estoppel doctrine clearly cannot be properly invoked in this case since the necessary elements of the doctrine under Utah law are missing, Orvis claims those elements should be changed."

DATED this January 25, 2006.

  
By: JAMISM. JOHNSON  
Appellant

CERTIFICATE OF SERVICE

I, Jamis M. Johnson, the undersigned Appellant, do hereby certify that I deposited in the U.S. mail, postage prepaid, a true and correct copy of the foregoing, in the U.S. mail, to Peggy A. Tomsic and Heather Keele, Tomsic Law Office, Attorneys for Appellee, 136 E South Temple, Suite 800, Salt Lake City, UT 84111



Jamis Johnson

1/24/06  
Dated