

1993

Gregory Oar v. Dale Parks and Sterling Press, Inc. : Reply Brief

Utah Court of Appeals

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Gregory H. Oar; Plaintiff/Appellant Pro Se.

Allen Sims; Attorney for Appellees.

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BRIEF

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FILE NO. 930643 IN THE UTAH COURT OF APPEALS

Gregory Oar,
Plaintiff & Appellant,

vs.

Dale Parks and Sterling Press,
Inc.

Defendants & Appellees.

APPELLANT'S RESPONSE
TO APPELLEE

Court of Appeals # ~~93-0455~~ *930643-CA*

PRIORITY No. 5

On appeal from the Third District Court, Salt Lake County, Utah.

The Honorable James S. Sawaya, originally assigned to case;
subsequently the Honorable Tyrone Medley

Pursuant to Rule 29, Utah Rules of Appellate Procedure: The
Priority of Argument is 5.

Allen Sims of Allen Sims P.C.
Attorney for Appellees
124 South 600 East
Salt Lake City UT 84102
(801) 533-8505

Gregory H. Oar,
Plaintiff/Appellant Pro Se
217 Lancelot Circle
North Salt Lake, UT 84054
(801) 292-8302

FILED
Utah Court of Appeals

JAN 24 1994


Mary T. Noonan
Clerk of the Court

IN THE UTAH COURT OF APPEALS

Gregory Oar,
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APPELLANT'S RESPONSE
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DETERMINATIVE RULE

Rule 1.9 of the *Utah Rules of Professional Conduct*

RESPONSE TO APPELLEES BRIEF

Appellant Gregory Oar begs the court's indulgence in reviewing this appeal.

I would certainly like to present a more sophisticated case to the court if I had the money to pay for a full transcript of the court proceedings. If I had the money to hire a competent attorney to prepare these pleadings I'm certain that I could present a far stronger case to the court because I feel strongly that the facts support my cause.

The fact is that I am broke. My only means of support is workman's compensation as a result of an industrial accident some years ago.

Be this as it may:

In his Appellee Brief Dale S. Parks presents fourteen pages of mostly irrelevant material. The facts are that as president of Sterling Press Inc I hired Attorney Allen Sims for both corporate and personal matters while he was a member of the law firm of Biehle, Haslam and Hatch. I personally paid the bills to that law firm for a great deal of legal work such as preparation of the building rental agreement which was at the heart of my complaint against Dale S. Parks.

Rule 1.9, Conflict of Interest; Former Client is the basis for

my appeal. I don't think that anything can be simpler. Sims cites a case involving an insurance company. This Nebraska case should have no bearing on the fact that Allen Sims worked for me some years ago and now he has turned around and represented my former partner using documents that I paid him to write. This is a clear case of conflict of interest.

In my original brief I speculated that when I would have an opportunity to file another suit against Dale S. Parks, Allen Sims would do nothing so foolish as to put his name on it as attorney of record. I was right. A copy of the cover page of Parks answer is attached.

Dale S. Parks knows of my financial distress and he is taking advantage of it. For more than a year the building was free and clear of a mortgage. Rather than pay me my share of the rent, that I was so desperately in need of, he stonewalled me. He wouldn't even give me an accounting of the expenses. When Parks did provide a accounting, after the period of discovery had ended, I found expenses listed for work on Parks' other buildings and tens of thousands of dollars of fabricated expenses. I tried to deal fairly with him but Parks threatened to call the cops if I so much as appeared at the building. Unfortunately, I had to acquiesce since I was well aware of Parks' violent nature. He had been convicted of felonious assault with a deadly weapon. This was just prior to our partnership in Sterling Press. As a result of Parks vengeance I lost my share of the building to

foreclosure.

ARGUMENT

Attorney Allen Sims was hired and did extensive legal work for the Plaintiff Gregory H. Oar. Rule 1.9 of the *Utah Rules of Professional Conduct* clearly states that this prohibits Sims from representing Dale S. Parks in any matter involving Gregory Oar. Therefore, Allen Sims should have been dismissed as the Defendants' attorney back in July of 1992.


CONCLUSION

For the foregoing reasons, Appellant respectfully requests that the court grant the following:

1) Order that the matter be remanded to the Third District Court for retrial but barring Allen Sims from representing Dale S. Parks and Sterling Press Inc.

2) Or alternately, that Defendant Dale S. Parks be ordered to pay Appellant Gregory H. Oar the sum of Fifty Thousand Dollars (\$50,000) for his loses as a result of Attorney Allen Sims actions. that the relief sought in the original brief be granted.

January 20, 1994



Gregory H. Oar
Appellant, Pro Se

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Filed November 22, 1993

L. BENSON MABEY, P.C. (#A2035)
MURPHY, TOLBOE & MABEY
124 South 600 East, Suite 100
Salt Lake City, Utah 84102
Telephone: (801) 533-8505

Attorneys for Defendants

IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

GREGORY H. OAR,)
)
Plaintiff,)

vs.)

DALE S. PARKS, STERLING PRESS,)
INC., a Utah corp., GUARDIAN)
TITLE COMPANY OF UTAH, a Utah)
corp., GRANDE DEVELOPMENT, L.C.,)
a Utah limited liability company)
FIDELITY NATIONAL TITLE OF)
CALIFORNIA, a California corp.,)
and RICHARD STAIR,)
)
Defendants.)

CERTIFICATE OF SERVICE

Civil No. 930906759 CV

JUDGE Leslie Lewis

I, the undersigned, hereby certify that on the date hereof,
I mailed a true and correct copy of the NOTICE TO SUBMIT FOR
DECISION, by depositing the same in U.S. mails, postage prepaid,
addressed to the following party:

Gregory Oar
Plaintiff Pro Se
217 Lancelot Circle
N. Salt Lake City, Utah 84054

DATED this 14th day of January, 1994.


Kristi A. Jorgenson

IN THE UTAH COURT OF APPEALS

Gregory H. Oar,

Plaintiff & Appellant,

vs.

Dale Parks and Sterling Press,
Inc.

Defendants & Appellees.

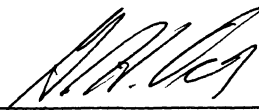
CERTIFICATE OF SERVICE

APPELLATE Court # 93-0455

I, Gregory H. Oar, certify that on January 20, 1994, I served a copy of the attached APPELLANT'S RESPONSE TO APPELLEES' BRIEF upon Allen Sims, the counsel for the appellee in this matter, by mailing two copies of it to him by first class mail with sufficient postage prepaid to the following address:

Allen Sims, 175 East 400 South, Suite 900, Salt Lake City Ut
84111

DATED this 20TH day of January 1994.



Gregory H. Oar,
Appellant Pro Se