

2005

Latu v. Latu : Reply Brief

Utah Court of Appeals

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Recommended Citation

Reply Brief, *Latu v. Latu*, No. 20050866 (Utah Court of Appeals, 2005).

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

SIONE LIMIHAI LATU
Petitioner/Appellant

) **APPELLANT'S REPLY**

)

)

BRIEF

)

)

Vs.

)

Appellate Case No. 20050866-CA

)

Vai I. Latu
Respondent/Appellee

)

Oral Argument Requested

)

**APPEAL FROM FOURTH DISTRICT COURT, Utah County
JUDGE Anthony W. Schofield
Case number 994402757**

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ORAL ARGUMENT REQUESTED

FILED
UTAH APPELLATE
JUN 2 2005

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SIONE LIMIHAI LATU
Petitioner/Appellant

Vs.

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APPELLANT'S REPLY

BRIEF

Appellate Case No. 20050866-CA

District Ct. No. 994402757

The trial court failed to make sufficiently detailed findings of facts on all applicable issues to support its decisions regarding medical/dental debts, refund of IRS garnishment on joint filers, and the award of attorney's fees. As further presented hereafter, there is no factual connection between the evidence presented at trial with the requirements of the applicable laws cited by the trial court that would legally support the findings and Order of the trial court on these issues. As established in Utah cases:

“the trial court must make sufficiently detailed findings of fact on each factor to enable a reviewing court to ensure that the trial court’s discretionary determination was rationally based ... If sufficient findings are

not made, we must reverse unless the record is clear and uncontroverted such as to allow us to apply the *Jones* factors as a matter of law on appeal.” Bell, 810 P.2d at 491-92.

Though the issues on the Bell case varies from those of our case, the legal principle and doctrine of the need for adequate findings of fact applies to our case as it should to all court cases. In our case, the trial court failed to make sufficient findings of facts connecting Respondent’s evidence to the requirements of the applicable law. Such failure cannot “enable a reviewing court to ensure that the trial court’s discretionary determination was rationally based” and therefore, “we must reverse.”

Attorney Lori Fowlke created and submitted Appelle’s Brief, which basically made four arguments: (1) the statute gives the court discretion to award the credit for medical expenses to the parent incurring those expenses, therefore the trial court’s order on this issue should be upheld; (2) that the divorce decree supercedes general instructions in the IRS tax return instructions booklet and therefore, the trial court’s order on the IRS garnishment issue should be upheld; (3) that because this case came about to enforce a court order, the trial court’s award of attorney fees should be upheld; and (4) because of Plaintiff’s many contempt orders, Plaintiff (myself) “should not be entitled to ask this court for any relief because of his [my] constant contempt with this court’s orders..”

Each of Lori Fowlke's arguments fails. First, the blanket argument that the statute gives the court discretion to award the credit for medical expenses to the parent incurring those expenses is not a signed blank check for the trial court. For example, when the trial court's findings were contrary to the evidence, as in this case, the court's discretionary power was abused. There is always accountability, an objective condition, for which a court's discretionary authority is based upon. There must be a sufficient finding of facts connecting the evidence presented to the requirements of the applicable law, allowing a "reviewing court to ensure that the trial court's discretionary determination was rationally based." Without this connection, the triggering condition for the court's discretionary power does not exist and it would be an abuse of this discretionary power for the court to use it.

Second, Lori Fowlke argues that the divorce decree supercedes general instructions in the IRS tax return instructions booklet. The instruction in the IRS booklet is Federal Law written in a simplified manner where ordinary people can read and understand what the Federal Law requires. When I went to the IRS office in Provo to inquire of the law that authorizes IRS to garnish Respondent's assets, the IRS officer got the Booklet and circled the instruction on joint filers, saying, this is the law. Furthermore, a state court should not be undermining the requirements of a Federal law on a federal issue – federal taxes. The responsibility of a joint filer is to the Federal Government and not to the state therefore a state

court must not interfere with the lawful and legal garnishment of Respondent's property. In the Appellee's Brief, pg. 9, Lori Fowlke relied on the divorce decree, as the "distinguishing characteristics" that gives exception to the "generally" phrase used in the IRS Booklet to obligate Respondent as joint filers, just because the divorce decree is a "court order." Lori Fowlke failed to connect her claim that the divorce decree supercedes the Federal law to collect taxes from responsible parties of which Respondent is, with any law. This opens up the question of how this blanket provision of a divorce decree that was one-sidedly engineered by Lori Fowlke, obligating Petitioner for all the marital debts including this huge IRS taxes, could be signed by a judge – the same trial judge being appealed in this case.

Third, Lori Fowlke argues that Respondent's action was to enforce a court order and therefore, attorney's fees is then automatic and without consideration for Petitioner's ability to pay either on the original order (divorce decree) or the action to enforce the divorce decree. There has never been, at any of the court cases --- which by the way, were all Respondent's actions --- where the Respondent's need nor the Petitioner's ability to pay was discussed or considered by the court. It was just an automatic award to Lori Fowlke without even any degree of making sure her fees are reasonable and legitimate. This is why the detail and sufficient findings of fact connecting the evidence presented to the requirement of the applicable law is pivotal to sustaining a court's order. In trial court's awarding of

attorney fees, this connection of evidence to the award of attorney fees through a detail and sufficient findings of facts was not established and therefore an abuse of discretionary powers has been established.

Fourth, Lori Fowlke argues that “PETITIONER IS ENTITLED TO NO RELIEF BASED ON ONGOING CONTEMPT.” There is a saying that goes: Why change success! Lori Fowlke, with pride, ventured out of the issues at hand and high lights her success story in winning “on going contempt” orders against me as basis for refusing legal and lawful relief I am seeking. Please accept my gratitude for the opportunity Lori Fowlke opens up for me to respond to this “ONGOING CONTEMPT” banner that attorney Lori Fowlke has successfully used to deny the legal and lawful benefits of the law against me and my children that have now landed our seven (7) years of this divorce before this Court.

The abuse of the court’s discretion and judicial powers in this case are in its erroneous orders and in its failure to make detailed findings of fact that support its order.

The Trial Court Abused its Discretion and Judicial Powers by Failing to Make Sufficient Findings of Fact that Satisfy the Requirements of the Law.

I. Trial court failed to make sufficient findings of facts at trial to support its order, and it erred in ruling on a law never argued for or cited by Respondent’s attorney as if she was the court’s client.

Quoting Appelle's Brief, pg. 4:

The statute regarding medical expenses provides that the court "may" deny the "parent incurring medical expenses . . . the right to receive credit for the expenses or to recover the other parent's share of the expenses" if the parent fails to "provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment." 78-45-7.15(8) and (9) Utah Code (2004).

Appellee's Brief also included the portion of the divorce decree covering the issue of medical/dental bills which also quoted the same law, 78-45-7.15(8) and (9) Utah Code, as quoted above. Appellee's Brief pg. 6.

Before the Honorable Justices of the Utah Courts of Appeal, is clear acknowledgement by Respondent's attorney Lori Fowlke of her knowledge of the plain and specific requirements of the law for recovery/refusal of medical/dental expenses alleged to have been paid by Respondent. First, the specific requirement of the law for recovery:

A parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment. U.C.A 78-45-7.15 (8) (2006).

We visit the submitted record of the trial and ask: Was there specific evidence provided by Respond that she did "provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment"?

The answer is no. The record of neither the trial nor the Appellee's Brief as submitted, contain no evidence that this requirement has been met.

Second, the specific requirement for denying a parent's effort to recover the other parent's share of the alleged paid medical expenses:

In addition to any other sanctions provided by the court, a parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with Subsections ... (8).

We also ask the question: Did the trial court follow the requirement of part (9) of the law being referenced above, that "a parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with Subsections ...(8)"?

Then answer is no. Attorney Lori Fowlke argued that I, "Petitioner cannot now claim for the first time, on appeal, that Respondent should not be credited because "the trial contains no record of Respondent providing proof". Appelle's Brief pg. 7.

With this argument for Respondent, attorney Lori Fowlke independently proves my argument on this appeal. The plain and clear requirements of the law for receiving and denial of reimbursement of medical/dental bills alleged to have been paid, as also included by Lori Fowlke in the divorce decree, were not met or even discussed. And attorney Lori Fowlke knows this exact law but strategically did not argue for it during trial – most likely because Lori Fowlke knew Respondent lacked the proof the law requires.

And that could be why there was no argument at the trial regarding proof as required by the applicable law. Lori Fowlke had her chance to bring it up during trial but chose not to. Lori Fowlke based her justification both on trial and on this appeal, for upholding the trial court's order on the fact that I, Petitioner, have a long string of contempt orders. That is not the requirement of the applicable law for an award. There was no factual evidence that Respondent provided proof these bills were paid within 30 days of payment as required by the law. Yet, the order of the trial court now being appealed was based on a law and argument not made by Lori Fowlke but by the court itself. It was as if Lori Fowlke was the court's client, and this has been the manner of justice in the past 6 years of this divorce before this same trial court. And I do invite the Honorable Justices of the Utah Courts of Appeal, that your Honors may see why I, Petitioner, have not won a single court trial throughout the 6 years before this same trial court. Hence, is the long string of contempt orders against me, Petitioner, that Lori Fowlke has so eloquently presented throughout her writing of the Appellee's Brief.

Applying the "sufficiently detailed findings of fact" doctrine established by Bell, 810 P.2d at 491-92, as basis for upholding or reversing on appeal, the record of the trial and arguments of Respondent's attorney Lori Fowlke give proof that the trial court failed to make a sufficient findings of fact

at trial connecting Respondent's evidence to the plain requirements of the applicable law thereby the trial court erred in its order. Therefore, "If sufficient findings are not made, we must reverse", and so it must be. Bell, 810 P.2d at 491-92.

II. The trial court awarded refund of Respondent's money that was legally and lawfully garnished by IRS, without a detailed finding of facts that would support its orders according to the requirement of any applicable law --- court did not even state any law or legal basis requiring the award.

Respondent's attorney Lori Fowlke argued that the divorce decree supercedes general instructions in the IRS tax return instructions booklet, without citing any applicable law to support her claim. And the trial court failed to make any finding of facts or give any legal basis for its order.

After quoting my reliance on the IRS 2040 Lori Fowlke further argued that "Petitioner presents no viable legal theory whereby he should be excused from obeying the court's order". (Appellee Brief pg .9)

The instruction in the IRS 1040 Instruction Booklet is Federal Law written in a simplified manner where ordinary people can read and understand what the Federal Law requires. On the issue of the taxes, the Federal Government – IRS, is clear on its instruction for tax obligations of joint filers: "If you file a joint return,

both you and your spouse are generally responsible for the tax ... due on the return.” (IRS 20041040 INSTRUCTIONS BOOKLET, Married Filing Jointly “Joint and several tax liability, p17.)

Lori Fowlke quoted the divorce decree:

“The Petitioner is ordered to assume and pay, and hold Respondent harmless from liability on the following debts (all figures are approximate): ...ii. IRS - \$84,000.00” (Appellee’s Brief pg. 9).

I wish to respond to this divorce decree regarding the unethical and corrupt manner that Lori Fowlke used to enter this portion of the decree. This is Lori Fowlke’s corrupt engineering of the system, falsifying court orders and blinding trial courts into signing it on the strength that she is an officer of the court without any finding of facts regarding the assignment of such a huge marital debt to one spouse.

The situation was that on the afternoon of February 10, 2000 I received in the mail the Proposed Order from attorney Lori Fowlke. According to the instruction of the Proposed Order, my time to respond expires February 11, 2000 – the very next day. I quickly called Lori Fowlke that afternoon and spoke with her about the expiration date is tomorrow and I just now received the Proposed Order. I asked Lori Fowlke to give me more time so I can try to understand it or find a lawyer, but Lori Fowlke refused and said the 5 days plus 3 days for mailing expires tomorrow – 2/11/2000. We then quickly went through the Proposed Order and two

items stood out to me and I told Lori Fowlke that these two items are not to be: items #5 and #9. Lori Fowlke then told me she will take them out of the Proposal Order. (Addendum #1a, pgs 3 & 4, my notes). (Addendum #1b, pgs 1, 3 & 4 Lori Fowlke's notes).

Item #5 Lori Fowlke wrote that I "will continue to pay for the children's tuition at Meridian School [a private school] and for their music lessons." Item #9 Lori Fowlke wrote that I "pay and maintain the marital debts incurred during the marriage and hold Respondent harmless therefrom with the exception that Respondent shall pay the debt to Knight Adjustment Bureau and Bonneville Collections, and hold Petitioner harmless therefrom."

As the final Order came out (Addendum #1c), only item #5 was deleted as we had agreed but item #9 was left on contrary to our agreement, with changes made by Lori Fowlke. Lori Fowlke unilaterally made other changes after our conversation but not the changes we had agreed to. That is why I am stuck with all the big marital debts including the IRS back taxes, contrary to our agreement. (Appellee's Brief, pgs 3 & 9).

Addendums 1a contains my notes & 1b contains Lori Fowlke's notes. Lori Fowlke's notes give independent factual proofs of the agreed changes to be made but Lori Fowlke did not do, thereby falsifying the Final Order signed by Judge Burningham. Therefore, Judge Burningham signed the order not knowing it was

a falsified document. Again, Lori Fowlke misrepresented this fact and adopted it as a “stipulation” that Judge Schofield signed as part of the Divorce Decree. (Appellee’s Brief, pgs.3& 9).

Since there was not any argument about my Amended Pleading, I asked Judge Schofield about it and the only answer I was given was that “the order was already signed.”

My departing lawyer encouraged me to write my Amended Pleadings because Judges do have discretion on the fact that I am not a lawyer. Well, Judge Schofield had no discretion on the fact I am not a lawyer. And discretion was not to be found in Judge Schofield’s court on my behalf, as in this case before the Appeals Court.

So, I am stuck with a court order that was falsified by Lori Fowlke which found its way into the Divorce Decree, creating automatic contempt orders that add to the successful perception building legacy of the Attorney Lori Fowlke.

The fact that I could not afford a lawyer and by myself was a give away to Lori Fowlke, and she took advantage of my situation and successfully corrupt the justice system with a poisonous perception that overpowered the integrity of the trial courts. This tax portion of the divorce decree has caused my more contempts as not being paid, which contempt stopped me from claiming any of my minor children on my taxes, putting me into a higher tax bracket and creating more IRS

tax liabilities for me. More of Lori Fowlke's successful corruption are in the last section of this Brief: **Petitioner is Entitled to no Relief based on Ongoing Contempt.**

Furthermore, as I've stated during the trial, that Lori Fowlke lied to Judge Schofield on one of our court trials that she & Respondent had already agreed with the IRS on a settlement of all our IRS taxes for \$1000. (Appellee's Brief pg. 7 last paragraph). Judge Schofield then on that day told me, Petitioner, that I should pay \$500 and I said yes. I then went over to the IRS office in Provo to make arrangement for my share of the settlement, and I was told there was no settlement made – even up to this date. The only attempt for settlement was my application for Offer in Compromise that IRS denied because of my continued tax liability each year due to this portion of the divorce decree that Lori Fowlke had unlawfully entered. Had Lori Fowlke told the truth to this trial court, there would not be this appeal. I feel this Court of Appeals should reverse the trial court's order on this issue based on Lori Fowlke's false misrepresentation, under oath, to the court.

In short, the trial court failed to make sufficient findings of fact in light of the stated authority of the Federal Government to collect owed taxes from both parties of a "joint filing." The trial court erred in its order due to its failure to make a sufficient finding of facts that would "enable a reviewing court to ensure that the

trial court's discretionary determination was rationally based." Therefore, this order must be reversed as a matter of law

III. Failure of the trial court to do a detailed findings of fact regarding the financial need of the receiving spouse and the ability of the other spouse to pay, and the reasonableness of the requested fees are reason for its award order to be reversed.

In a 1999 case in which a wife challenged the trial court's denial of her request for attorney's fees, this Court held,

In a divorce action, "[b]oth the decision to award attorney fees and the amount of such fees are within the sound discretion of the trial court." However, **the trial court's decision whether to award attorney fees "must be based on evidence of the financial need of the receiving spouse, the ability of the other spouse to pay, and the reasonableness of the requested fees."** A trial court's **"failure to consider any of the enumerated factors is ground for reversal on the fee issue."** (Davis v. Davis, 1999 Ut app 1, par.2, 1999 WL 33244684 (citations omitted); see also Bell v. Bell, 810 P.2d 489,494 (Utah Ct. Appl 1991).

In the present case – as in all of the cases before this trial court through the past 6 years--- this trial court awarded Respondent her attorney fees each time she won in court, which is about each time Respondent took me to court, which is about every time we were in court, include this case being appealed. Never, in any of these cases, including this case being appealed has the trial court awarded attorney fees to Respondent "based on evidence of the financial need of the receiving spouse, the ability of the other spouse to pay, and the reasonableness of

the requested fees.” A trial court’s “failure to consider any of the enumerated factors is ground for reversal on the fee issue.”

And the record of the trial proves none of the consideration enumerated by this Court was met. Just as in all of its previous 6 years of rulings, this court merely awarded Respondent her attorney fees. Therefore, the trial court’s award of attorney fees must be reversed. And since Respondent’s attorney Lori Fowlke included all my previous contempt orders as part of this case, for which this test for awarding attorney fees was never met, can all the previous attorney fees awarded to Respondent be reversed as well.

IV. Petitioner is entitled to no relief based on ongoing contempt.

As much as Respondent’s attorney Lori Fowlke is including all the previous contempt orders against me, Petitioner, I ask that I be given the opportunity to respond to Lori Fowlke’s bringing my previous contempts in this appeal, to include all these contempt orders and appeal them along with this case, or give me permission to appeal them on another appeal case. The appeal of these contempt orders won’t be much of a burden to this Court, for the common ground for appeal is the same as this case: the failure of sufficient findings of fact to support the orders. I would welcome this door of justice since my children and I continue to suffer because of these abuses of judicial powers by the trial court.

Perception is such a powerful force that often overpowers integrity, common sense, and truths when one human being forms subjective conclusion of his/her opinion of another human being. Perception becomes the reality for that person. This fact is dangerously true when the perception is that of such powerful people as the Justices and officers of our Judicial System, punishing good as bad and protecting bad as good. Perception is especially destructive when it is racially motivated for it creates hatred that punishes the targeted person for the race he/she has no part in determining for him/herself. Such a judicial victim is therefore punished for his race and not the bad act, while showing preference toward another person just because of the race he/she was born into thereby protecting their bad acts.

Before going on, I must detour and respond to attorney Lori Fowlke's reference that despite having been represented by three lawyers, I still could not understand the court's orders. (Appellee's Brief, pg.4: Summary of Arguments).

Of the three lawyers: one could not continue with me because I did not have the \$10,000 fee he needed for the custody fight including the necessary custodial evaluation on any custody case, that this trial court dismissed my request for custodial evaluation. This lawyer even returned the portion of his fees he had not used. One of the lawyers sold me out to Lori Fowlke. This is the lawyer that told me to agree to the divorce decree because it is only temporary until we go to trial.

When in fact, that was the trial finalizing of the divorce. This was also the lawyer that let Lori Fowlke added over time hours to my child support in violation of the Utah Law for figuring out child support amount (Addendum #2), that cause me so much arrears and the source of these contempt orders. The third lawyer stuck with me as long as he could, even represented me free at times but I guess he realized this divorce case is not seeing any ending and he could not do it for free after our last court when he could not get through Judge Schofield's order that barred me from court. This lawyer summed up the nature of our experience in this trial court by saying: "Limhi (name I go by), I am perplexed at the way this court is treating you and your children." This is a summary of the three lawyers that represented me.

Because of the limited space, I will just give highlights of attorney Lori Fowlke's successful poisonous perception building and their effectiveness:

1. Racially inflamed court.

"It is the Tongan culture that the men will get away with everything they do" or words to that effect. (Must see video of trial July 27, 2000).

2. Falsified court orders.

- a. Debt Obligation included in divorce decree.

- Addendum #1a, my notes.

- Addendum #1b, Lori Fowlke's notes.

- Addendum #1c, Signed Order should include the agreement

- b. Falsified orders

- Appellee's Brief, Addendum 5(c) pg. 4, item #5.
- Appellee's Brief, Addendum 5 (c) pg. 2, item #1 & 3
- Appellee's Brief, Addendum 5 (c) pg. 3, item #4.
- Appellee's Brief, Addendum 5 (c) pg. 4, item #7

3. Unlawful child support. (Appellee's Brief, Addendum #1, pg. 2, item #4.

a. Utah law Addendum #2. (highlighted)

-- "overtime and additional part-time jobs are not included."

b. - Arrears

Unlawful overtime added raised my child support above the recommended table issued by ORS to the courts, such that is above the maximum the law allows my employer to deduct for child support, creating arrears in the thousands of dollars – 6 yrs.

-

b. Contempts.

Because of the unlawful adding of overtime to my child support, it created arrears because the child support amount is above the legal maximum law allows my employer to deduct, the uncollected portion create a contempt for me even though my child support is paid regularly and on time by my employer each time I get paid – every two weeks.

c. Higher taxes and increasing tax liability.

Because of my contempt orders caused by the arrears, in turn caused by the unlawful addition of overtime (I don't even work overtime), the divorce decree specifies I cannot claim my minor children if I am not current on my child support. This changes my tax bracket and I owe more taxes every year. Respondent does not work yet she gets to claim the minor children (Addendum 1, pg 11, item #19 last sentence).

d. Denied passport (Addendum #3)

-Because of the arrears created by the unlawful addition of overtime to my child support, my passport was denied because my arrears is over \$5000.

e. Illness (Addendum #4)

-In the beginning of 2002, I took ill but I kept on going to work. Then July 25, 2002 I could not longer stand up, both my feet were so swollen they did not fit into my work boots. For 10 months of my illness, I saw

10 different doctors and none could figure out my illness. However, new illnesses besides my original illness started. My liver, kidneys, and knees were all swollen. One of the doctors told me to go off all the medications I was taking and just let my illness take its course. During my bedridden 10 months, an elderly lady from a village close to our village at home, heard of my illness and visited me with herbs from Tonga. That was the first night I slept. She instructed me to go home to Tonga for a month and take the different herbal medicine my grandmother knows, to clear up my system and heal me. That is when I applied for my passport (I am a US citizen) but denied because of the unlawful arrears. So, I am still walking with a slight limp because one foot always feels like it is sleeping and I cannot put much weight on it but now and then it flares up and I have to stay off my feet.

4. Withheld key information from court.
-During a interference with custody case against me involving my 17 yrs. 7 months old daughter, Lori Fowlke withheld from the court the police report that would have cleared me with this interference for which I was condemned for with a contempt order. (Appellee's Brief, Addendum 5f).
5. Financial hardship (Addendum #5)
As evidenced by my check stubs, this trial court's orders have stripped me down to where I can't even afford my own support, averaging only \$400 every two weeks after all the court ordered deductions are taken off and the additional court orders I have to pay out of my net take home pay.
6. Denied of Request for custodial evaluation.
7. Barred from court, giving Respondent cover up for own violations of the court orders.
8. Jailed without day in court.

9. Counseling: 1. this trial court denied the previous court's order to use counseling services covered by my insurance and ordered counseling from someone I had to pay out of my pocket. 2. this trial court ignored his own order for counseling where the expert the court ordered us to go to, confirmed what this trial court found out when it talked with the minor children. That, our divorce is an unusual divorce, where all of the children want to live with daddy. The appointed counselor released me and the children after 4 or 5 sessions saying he cannot help us. He cannot find in the children the common problems found in most children of divorce families. Fishing for a reason to find something bad about my children wanting to be with me, as both this trial judge and the appointed counselor found out about us, attorney Lori Fowlke ignored this qualified expert's conclusion and asked this trial court for another counselor of her choice. This is when this trial court forced us to a counselor not covered by my insurance as previously ordered by Judge Burningham. Needless to say, this trial court's order of this new counselor created more financial burden for me as well as inconvenience for my children. At the end, I asked this expert what was the particular problem he recommended my children should have counseling. His answer was: "It was court ordered." Furthermore, this new counselor did not do the counseling, it was a BYU intern who, from what the children

was telling me, knew very little about raising children. Nothing beneficial came out of this counseling order, just more debts for me.

10. Substantiated DCFS abuse case against the mother.

11. Created an abandoned mother.

- With all of my children 18 and over moving and living with me, tells the story of the reality this attorney Lori Fowlke and this court would not accept: I am a good daddy to my children. And the saddest part of this all, the youngest daughter is the only one left with Responden. I cannot explain in any fair way the emotional hardship this court's orders have brought to me and my children. When dropping the youngest daughter off at her house, the older children comes with such sad feelings. The youngest daughter would hang on the car door and the older children drove off. The youngest daughter running along side, asking the older children to stay a little longer. The unbearable sight is when the older children drive off and seeing their youngest sibling, alone, calling at them to come back. Yes, this court and its officers has brought so much pain to my family and we are powerless to do anything about it.

These are some of the fruits of Attorney Lori Fowlke's successes, in creating a poisonous perception that overpowered the integrity, common sense, and objectivity of the trial Judges that led us along to this case before the Utah Court of Appeals. These

cannot be the justice of a civilized and law abiding society. I love my children so much I sacrifice all to give them what the courts have taken away. I'm still here.

There is no basis given by the court that would justify the court's errors in its findings and orders.

CONCLUSION

The fruits tell the trees they come from. The trial court abused its discretion by failing to make sufficiently detailed findings of fact that would support its conclusions in this case, such failure would not "enable a reviewing court to ensure that the trial court's discretionary determination was rationally based." The trial court also erred by awarding medical/dental expenses, refund of legal and lawful garnishment by the Federal Government – IRS of taxes owed by joint filers, and attorney fees to Respondent. In each of these orders, the trial court committed reversible error that prejudiced Petitioner, and the case should therefore be reversed.

The facts of this case are a clear visual aid of the trial court's abusing its discretionary and judicial powers, committing reversible errors in its findings and orders, as it has done throughout our 6 years of trials on this divorce case.

In all aspects of this trial court's judicial abuses on this case and throughout the past 6 years of trials on this divorce, two common threads weave through its orders

against me the Petitioner: 1. Attorney Lori Fowlke's inflammatory misrepresentations of either right out lies or withholding relevant facts; 2. The trial court's refusal and failure to make sufficient findings of fact that would support its orders.

In such a judicial environment, the consequences are inevitable – reversible errors. This trial court committed reversible errors that prejudiced the Petitioner, defies the requirements of the law, and obstructing the justice the laws are created to provide. These abuses of its judicial powers by the trial court have inflicted much pain and deprivations upon me and my children. And the cover-up rubs the pain right to our bones, and we are powerless to do anything about it.

Imagine this trial court's orders on this case and for the past 6 years in our divorce trials becoming a standard for review and precedents.

Petitioner sincerely appeals to the Honorable Justices of the Utah Court of Appeals to intervene and reverse the Orders of the trial court.

Dated this 21 day of June, 2006.

A handwritten signature in cursive script, appearing to read "Sione Limihai Latu", written in black ink over a horizontal line.

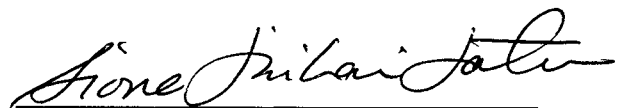
Sione Limihai Latu
Appellant Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Appellant's Reply

Brief was delivered by mail this 21 day of June, 2006 to:

Lorie D. Fowlke
Paul Waldron
Scribner & McCandless, P.C.
Attorney for Respondent/Appellee
2696 North University Avenue Suite #220.
Provo, Utah 84604

A handwritten signature in black ink, reading "Sione Limihai Latu", written over a horizontal line.

Sione Limihai Latu
Appellant, Pro Se

ADDENDUM

Table of Addendum

- 1a. Limihai's notes of agreement on marital debts (February 10, 2000)
- 1b. Lori Fowlke's notes on agreement on marital debts (Feb. 10,2000)
- 1c. Amended order of changes on Feb 10, 2000.
- 2. Office of Recovery Services letter on Utah Law on Child Support
- 3. Letter on Passport
- 4. Date of illness missing work and date of return to work
- 5. Copies of check stubs

Addendum 1a.

12/15/2011

LORIE D. FOWLKE (6875)
T. MCKAY STIRLAND (5800)
SCRIBNER, STIRLAND & McCANDLESS
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

**ORDER ON ORDER
TO SHOW CAUSE**

Civil No. 994402757
Judge Guy R. Burningham
Division 8

This matter came before the Court on Respondent's Motion for Order to Show Cause. Petitioner was present and represented himself. Respondent was present and was represented by Lorie D. Fowlke. The parties entered a partial Stipulation upon the record which was received and approved by the Court. Regarding the remaining issues, the Court heard proffer and testimony of the parties and argument of counsel. Having reviewed the file and being otherwise advised in the premises, the Court hereby ORDERS as follows:

1. On a temporary basis, the parties shall have joint legal custody of the parties' minor children. Physical custody shall be with the Respondent, subject to Petitioner's right to liberal visitation as the parties agree. In the event the parties do not agree, visitation shall be as set forth in the statutory guidelines in §30-3-35, a summary of which is attached as Exhibit "A" to this Order.

2. Both parties are restrained from talking to the children or discussing with the children any matters regarding the divorce litigation. Both parties are restrained from speaking derogatorily or demeaningly about the other parent in front of the children or doing anything to diminish the love and respect of the children for both parents. They are also ordered to discourage others from demeaning the other parent in the children's presence. The parties are ordered to build up the other parent in front of the children and encourage positive relationships between the children and both parents.

3. Petitioner is ordered to provide the address of his residence and his phone number to the Respondent. The Petitioner stated, on the record, his address was 1595 South 800 East, Orem, Utah, with a telephone number of 226-2352. Petitioner should provide his current address and phone number to the Respondent at all times when he is exercising his visitation.

4. The Court enters a mutual restraining order, restraining both parties from approaching the other or entering the residence of the other. The Restraining Order will be that both parties may contact the other regarding visitation and financial issues of the children or other financial

issues related to the divorce; however, neither party will enter the residence of the other party without that party's permission.

5. Petitioner is ordered to pay temporary child support and alimony to the Respondent in the amount \$1,150.00 a month, one-half, or \$575.00 to be paid on the 5th and one-half on the 20th of each month. This order is effective as of February 1, 2000, and the first payment shall be made on February 5, 2000. Petitioner will continue to pay for the children's tuition at Meridian School and for their music lessons.

*agreed w/ Lori 2/19/00 @ 2:40 PM
take 1/2 music lessons + meridian, also discts on TF 5*

6. Both parties shall pay one-half of all medical, health, accident, and dental expenses for the minor children. The party incurring the expense shall provide verification of that expense to the other parent within a reasonable time, and that parent shall be reimbursed for those expenses, pursuant to statute. It is anticipated Petitioner shall have insurance through his employer at the end of February, 2000, and shall place all the minor children on his insurance at that time.

7. Respondent is awarded temporary possession of the marital home and the furnishings therein during the pendency of these proceedings. Respondent shall be responsible to pay the mortgage payment and the utilities for that home effective February 1, 2000.

8. Petitioner is restrained from selling, encumbering, conveying, or transferring or otherwise removing any of the marital or business property acquired during the marriage, with the exception that he may move the business property for work purposes.

*told Lori I just received papers today, but ^{she} says
5 days + 3 days end 2/11/00. - I feel this is not fair
3 that 5 days does not start today,*

9. Petitioner is ordered to pay and maintain the marital debts incurred during the marriage and hold Respondent harmless therefrom with the exception that Respondent shall pay the debt to Knight Adjustment Bureau and Bonneville Collections, and hold Petitioner harmless therefrom.

10. The parties will cooperate in filing a joint income tax return for the year 1999. It is anticipated that any refund will be attached by the Internal Revenue Service for payment on previous liens.

11. Both parties will attend the Divorce Education Class within forty-five (45) days of the service of the Complaint as provided by statute.

12. Respondent is awarded judgment against Petitioner for \$300.00, representing a portion of Respondent's temporary attorney's fees.

DATED and signed this _____ day of February , 2000.

BY THE COURT:

Judge Guy R. Burningham

Addendum 1b.

LORIE D. FOWLKE (6875)
T. McKAY STIRLAND (5800)
SCRIBNER, STIRLAND & McCANDLESS
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

2/10/00 c/ Linski
claims did not agree to last
sentence of P 5 - it was not put
on record, tho. agreed in conference,
same w/ # 9.

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH

SIONE LIMIHAI LATU,
Petitioner,

vs.

VAI I. LATU,
Respondent.

Amended
**ORDER ON ORDER
TO SHOW CAUSE**

Civil No. 994402757
Judge Guy R. Burningham
Division 8

This matter came before the Court on Respondent's Motion for Order to Show Cause. Petitioner was present and represented himself. Respondent was present and was represented by Lorie D. Fowlke. The parties entered a partial Stipulation upon the record which was received and approved by the Court. Regarding the remaining issues, the Court heard proffer and testimony of the parties and argument of counsel. Having reviewed the file and being otherwise advised in the premises, the Court hereby ORDERS as follows:

1. On a temporary basis, the parties shall have joint legal custody of the parties' minor children. Physical custody shall be with the Respondent, subject to Petitioner's right to liberal visitation as the parties agree. In the event the parties do not agree, visitation shall be as set forth in the statutory guidelines in §30-3-35, a summary of which is attached as Exhibit "A" to this Order.

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4. The Court enters a mutual restraining order, restraining both parties from approaching the other or entering the residence of the other. The Restraining Order will be that both parties may contact the other regarding visitation and financial issues of the children or other financial

issues related to the divorce; however, neither party will enter the residence of the other party without that party's permission.

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6. Both parties shall pay one-half of all medical, health, accident, and dental expenses for the minor children. The party incurring the expense shall provide verification of that expense to the other parent within a reasonable time, and that parent shall be reimbursed for those expenses, pursuant to statute. It is anticipated Petitioner shall have insurance through his employer at the end of February, 2000, and shall place all the minor children on his insurance at that time.

7. Respondent is awarded temporary possession of the marital home and the furnishings therein during the pendency of these proceedings. Respondent shall be responsible to pay the mortgage payment and the utilities for that home effective February 1, 2000.

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11. Both parties will attend the Divorce Education Class within forty-five (45) days of the service of the Complaint as provided by statute.

12. Respondent is awarded judgment against Petitioner for \$300.00, representing a portion of Respondent's temporary attorney's fees.

DATED and signed this _____ day of February , 2000.

BY THE COURT:

Judge Guy R. Burningham

NOTICE OF INTENT TO SUBMIT FOR SIGNATURE

TO LIMHAI LATU :

You will please take notice that the undersigned attorney for Petitioner will submit the above and foregoing Order on Order to Show Cause to the Honorable Judge Guy R. Burningham for his signature upon the expiration of five (5) days from the date of this notice, plus three (3) days for mailing, unless written objection is filed prior to that time pursuant to Rule 4-504 of the Utah Rules of Judicial Administration.

Dated and signed this 2 day of February, 2000.


Lorie D. Fowlke

Addendum 1c.

COPY

LORIE D. FOWLKE (6875)
T. MCKAY STIRLAND (5800)
SCRIBNER, STIRLAND & McCANDLESS
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

FILED
Fourth Judicial District Court
of Utah County Utah
CARMA B.
3/3/00

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

**AMENDED
ORDER ON ORDER
TO SHOW CAUSE**

Civil No. 994402757
Judge Guy R. Burningham
Division 8

This matter came before the Court on Respondent's Motion for Order to Show Cause.

Petitioner was present and represented himself. Respondent was present and was represented by Lorie D. Fowlke. The parties entered a partial Stipulation upon the record which was received and approved by the Court. Regarding the remaining issues, the Court heard proffer and testimony of the parties and argument of counsel. Having reviewed the file and being otherwise advised in the premises, the Court hereby ORDERS as follows:

Feb 1, 2000

1. On a temporary basis, the parties shall have joint legal custody of the parties' minor children. Physical custody shall be with the Respondent, subject to Petitioner's right to liberal visitation as the parties agree. In the event the parties do not agree, visitation shall be as set forth in the statutory guidelines in §30-3-35, a summary of which is attached as Exhibit "A" to this Order.

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4. The Court enters a mutual restraining order, restraining both parties from approaching the other or entering the residence of the other. The Restraining Order will be that both parties may contact the other regarding visitation and financial issues of the children or other financial

issues related to the divorce; however, neither party will enter the residence of the other party without that party's permission.

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8. Petitioner is restrained from selling, encumbering, conveying, or transferring or otherwise removing any of the marital or business property acquired during the marriage, with the exception that he may move the business property for work purposes.

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10. The parties will cooperate in filing a joint income tax return for the year 1999. It is anticipated that any refund will be attached by the Internal Revenue Service for payment on previous liens.

11. Both parties will attend the Divorce Education Class within forty-five (45) days of the service of the Complaint as provided by statute.

12. Respondent is awarded judgment against Petitioner for \$300.00, representing a portion of Respondent's temporary attorney's fees.

DATED and signed this 3 day of ^{March}~~February~~, 2000.

BY THE COURT:

/S/ GUY R. BURNINGHAM
Judge Guy R. Burningham

Addendum 2

Dear Parent:

Under Federal and State law, you have the right to ask the Office of Recovery Services (ORS) to review your child support order. The review may result in a change to the child support amount. If the amount changes, it may go up or it may go down.

By completing the enclosed worksheets, you will have a general idea how much your child support will go up or go down.

ORS is unable to help you complete these pre-review forms.

Upon written request, ORS will review your order to decide if the amount of child support needs to be changed. ORS will request that the child support award be modified if:

1. the new award is at least 10% higher or lower than the current award, and
2. the order is at least 3 years old; or,
3. if it has been less than 3 years since the order was issued, modified, or reviewed and you provide proof that a substantial change in circumstances has occurred; and
4. the new award is at least 15% higher or lower than the current award.

ORS will not adjust your order:

1. if the youngest child will be 18 years old within a year;
2. if the non-requesting parent cannot be located; or
3. for other issues, such as visitation or custody.

If your order does not require a parent to have insurance for medical expenses for the child(ren), ORS may request that the order be modified to require a parent to get insurance, if it is available at a reasonable cost.

ORS may be assisted by attorneys from the Utah Attorney General's Office. They are the State's attorneys. They represent the State and are not personal attorneys for either parent.

Utah law requires the use of both parents' incomes to determine a child support amount. The income the support is based upon is limited to the equivalent of one full-time job. Generally, overtime and additional part-time jobs are not included. Cash assistance, Supplemental Security Income (SSI), and Social Security Disability Insurance (SSDI), are not considered as income. Pensions, Social Security Benefits, Workman's Compensation, and Disability Insurance benefits are considered income.

Once ORS receives a written request to review your order and the case qualifies for a review, both parents will receive a Financial Statement to complete and return. Along with the completed statement, you will also be required to provide verification of your yearly gross income.

Addendum 3



**United States Department of State
San Francisco Passport Agency
95 Hawthorne Street, 5th Floor
San Francisco, CA 94105-3901**

1-900-225-5674

November 14, 2002

Sione Limihai Latu
2274 N 390 E
Provo, UT 84604

Dear Mr. Latu:

Thank you for your recent passport application. We need your help in order to continue processing your request. The Department of State has determined that you are ineligible to receive passport services. This determination is based on Section 51.70(a)(8) of Title 22 of the Code of Federal Regulations and the certification of the Secretary of Health and Human Services that you are in arrears of child support in excess of \$5,000.00.

◆ Section 51.70(a)(8) reads as follows:

51.70 – Denial of Passports

A passport, except for direct return to the United States, shall not be issued in any case in which:

The applicant has been certified by the Secretary of Health and Human Services as transmitted from a State agency to be in arrears of child support in an amount exceeding \$5,000.00.

Neither this Passport Agency nor the Department of State has information concerning your child support obligation.

A list of State child support enforcement agencies and their phone numbers is attached to this letter for your use. Please contact the appropriate office on this list to make payment arrangements.

This decision is not appealable with the Department of State. If you make appropriate arrangements with your State child support agency within 90 days, please notify this Passport Agency in writing or by calling the National Passport Information Center at the number listed below. After you make payment arrangements with your State agency, please allow 5-10 business days before calling the National Passport Information Center (NPIC), so HHS has enough time to notify Passport Services. Once the Secretary of Health and Human Services has certified to the Secretary of State that you have satisfied the child support arrearage, your name will be removed from the certified list. Please note that several states have a \$0 balance policy before allowing passport issuance to an individual, who was previously in arrearage. All questions regarding such a policy must be addressed to the appropriate State child support office. The Department of State cannot override this policy.

This application is denied unless you adequately address the requirements stated above for issuance of a passport. If we do not receive a response within ninety (90) days, your application will be filed without further action. Any special return postage will be returned or refunded.

PLEASE RETURN THIS LETTER WITH YOUR REPLY.

Sincerely,

James Griffin
Regional Director

To Customer: If you have any questions regarding this letter or your passport application, contact the National Passport Information Center by phone at 1-900-225-5674 (TDD: 1-900-225-7778) or with a major credit card 1-888-362-8668 (TDD: 1-888-498-3648). Customer Service Representatives are available Monday – Friday, 8:30 a.m. to 5:30 p.m., ET, excluding Federal holidays. Also, for a wealth of passport and travel information, including where to apply, visit us on-line at travel.state.gov.

Addendum 4

Exhibit D-2.

INTERROGATORIES TO GARNISHEE
(Earnings for Personal Services - Continuing Garnishment)

CASE NO. 890905256CN
JUDGE: THORNE
SSN: 552-02-8752

TATE OF UTAH)
: ss
COUNTY OF SALT LAKE)

Give your answers in the spaces provided and attach additional sheets if necessary).

Is the Defendant employed by you or does Defendant render services for you?

ANSWER: Yes X No

(a) What is Defendant's pay period (circle one)

ANSWER: Weekly Bi-weekly Semi-monthly Monthly Other

(b) What is Defendant's hourly or periodic rate of pay or other manner of compensation?

ANSWER: \$17.57 HOUR

(c) What is the date of the Defendant's next payday?

ANSWER: UNKNOWN - he has been on leave
OF ABSENCE

(d) On what date(s) of the month does Defendant receive regular pay? SINCE

ANSWER: FRIDAY

7/25/2002

(e) On what date(s) of the month does Defendant receive other payment(s) from you (for example, bonus, commission, per diem, reimbursement of expenses, vacation pay, etc)? Identify the type of payment associated with each such payment date.

ANSWER: NONE

ROBERT W. TAYLOR, M.D.
THOMAS E. MYERS, M.D.
DARRELL R. STACEY, M.D.
JAMES L. CLARK, M.D.

Family Physicians
Canyon Medical Plaza, Suite D
3200 North Canyon Road
Provo, Utah 84604
Phone (801) 373-3300

RE Cimhi Lata

ADDRESS: _____

R Cimhi may return
To work but is
Advised To Avoid
Prolonged Standing or
Walking - Thanks

Please Label

Refill 6 Times

Date 5-1-03

☐ AT 804 3589
☐ AM 796 3437
☐ BS 129 0840
☐ BC 241 4617

Dispense as written

M.D.

M.D.

Substitutions Permitted

Addendum 5

3

16150		SIONE LIMHI LATU		552-02-8752		01/04/02		ST. S 10		
WORK RECORD FOR PERIOD ENDING 12/30/01							EARNINGS			
DATE	OCCUPATION TITLE	SN	REG. HRS.	PREM. HRS.	ALLOW. HRS.	TOTAL AMOUNT	DESCRIPTION	CUR HRS	CUR AMOUNT	YTD AMOUNT
1217	CLK SCHED	1	8.00			140.56	REGULAR	64.00	1,124.48	1,124.48
1218	CLK SCHED	1	8.00			140.56	HOLIDAY	16.00	281.12	281.12
1219	CLK SCHED	1	8.00			140.56				
1220	CLK SCHED	1	8.00			140.56				
1221	CLK SCHED	1	8.00			140.56				
1224	CLK SCHED	1			8.00	140.56				
1225	CLK SCHED	1			8.00	140.56				
1226	CLK SCHED	1	8.00			140.56				
1227	CLK SCHED	1	8.00			140.56				
1228	CLK SCHED	1	8.00			140.56				
TOTAL										1,405.60
										YTD AMOUNT
										20.38
										87.15
										28.24
										41.92
										613.96
										153.49
										100.00
										30.00
										330.46

RETAIN PAY STATEMENT FOR YOU

SAVINGS BOND INFORMATION		
CURRENT PURCHASES	PURCHASE PRICE	CURRENT BALANCE

KENNECOTT UTAH COPPER CORP.
P. O. BOX 6001
8315 WEST 3595 SOUTH
MAGNA UT 84044

NET CHECK

KENNECOTT UTAH COPPER CORP.
P. O. BOX 6001
8315 WEST 3595 SOUTH
MAGNA UT 84044

PAY TO: SIONE LIMHI LATU
2574 NORTH 500 EAST
PROVO UT 84604

FIRST SECURITY BANK N.A.
MAIN AT FIRST SOUTH BRANCH
SALT LAKE CITY, UT 84118

RECON NO. 020020001377
CHECK DATE 01/04/02

DEPOSIT ADVICE

Pay This Amount

XXXXXXXXXX

NON-NEGOTIABLE

Please refer to the Deduction Column on your check stub for Direct Deposit Amount

07/26/02						08/02/02 ST. S 10			
EARNINGS						EARNINGS			
ITEM TITLE	SN	REG. HRS.	PREM. HRS.	ALLOW. HRS.	TOTAL AMOUNT	DESCRIPTION	CUR HRS	CUR AMOUNT	YTD AMOUNT
SCHED	1	4.00			70.28	REGULAR	72.00	1,265.04	20,091.30
SCHED	1	8.00			140.56	HOLDY PREM		210.84	421.68
SCHED	1	8.00			140.56	OVERTIME			13.46
SCHED	1	8.00			140.56	REG VAC			562.24
SCHED	1	8.00			140.56	LUNCH ALLO			11.70
SCHED	1	4.00			70.28	HOLIDAY			702.80
SCHED	1	8.00			140.56	INCENTIVE			674.84
SCHED	1	8.00			351.40				
SCHED	1	8.00			140.56				
TOTALS								1,475.88	22,478.02
TAXES AND DEDUCTIONS						TAXES AND DEDUCTIONS			
DESCRIPTION						DESCRIPTION	CURRENT AMOUNT	YTD AMOUNT	
						FICA-MED	21.40	325.93	
						FICA-OASDI	91.51	1,393.64	
						FED INC TX	22.01	392.30	
						UT STATE	41.02	584.29	
						CHILD SUP	649.97	9,057.49	
						LEVY-ST	50.00	150.00	
						GARNISHMNT		292.46	
						WAGE ASNGN	100.00	1,600.00	
						MEDICAL	30.00	240.00	
						NET PAY DD	469.97	7,914.97	
NET CHECK									

PAY STATEMENT FOR YOUR RECORDS

BONDS INFORMATION		
DATE	PURCHASE PRICE	CURRENT BALANCE

KENNECOTT UTAH COPPER CORP.
 P.O. BOX 6001
 15 WEST 3595 SOUTH
 MAGNA UT 84044

KENNECOTT UTAH COPPER CORP.
 P.O. BOX 6001
 15 WEST 3595 SOUTH
 MAGNA UT 84044

WELLS FARGO
 MAIN AT FIRST SOUTH BRANCH
 SALT LAKE CITY, UT 84119

RECON NO: 022110001250
 CHECK DATE: 08/02/02

DEPOSIT ADVICE

Pay This Amount
 XXXXXXXXXXXX

and 00/100 Dollars

ONE LIMHI LATU
 74 NORTH 390 EAST
 OVO UT 84604

NON-NEGOTIABLE

Please refer to the Deduction Column on your check stub for Direct Deposit Amount

EMPL.#	EMPLOYEE NAME	SSN	CHECK DATE	FED	MS	EX	ADDITIONAL WITHHOLDING
16150	SIONE LIMHI LATU		11/21/03	S	S	10	
				ST.	S	10	

WORK RECORD FOR PERIOD ENDING						11/16/03	EARNINGS			
DATE	OCCUPATION TITLE	SN	REG. HRS.	PREM. HRS.	ALLOW. HRS.	TOTAL AMOUNT	DESCRIPTION	CUR. HRS.	CUR. AMOUNT	YTD AMOUNT
1103	CLERK	1	8.00			144.40	REGULAR	80.00	1444.00	19131.60
1104	CLERK	1	8.00			144.40	OVERTIME			216.60
1105	CLERK	1	8.00			144.40	VACATION			433.20
1106	CLERK	1	8.00			144.40	VAC NOT EL			854.40
1107	CLERK	1	8.00			144.40	HOLIDAY			575.60
1110	CLERK	1	8.00			144.40	GRIEVANCE			12.00
1111	CLERK	1	8.00			144.40	MISC AWARD			500.00
1112	CLERK	1	8.00			144.40	INCENTIVE			412.70
1113	CLERK	1	8.00			144.40	GRP LF INC			3.24
1114	CLERK	1	8.00			144.40				
TOTAL						1444.00	TOTALS	1444.00		22139.34
TAXES AND DEDUCTIONS										
DESCRIPTION							CUR. AMOUNT	YTD AMOUNT		
MEDICARE							20.94	314.12		
SOC SEC							89.59	1343.13		
FED TX WITH							14.98	423.02		
STATE TAX							38.94	562.15		

RETAIN PAY STATEMENT FOR YOUR RECORDS

SAVINGS BOND INFORMATION		
CURRENT PURCHASES	PURCHASE PRICE	CURRENT BALANCE

RECON NO.

KENNECOTT UTAH COPPER CORPORAT
PO BOX 6001
8309 WEST 3595 SOUTH
UT 84044

KENNECOTT UTAH COPPER CORPORATIO
PO BOX 6001
8309 WEST 3595 SOUTH
UT 84044

Wells Fargo Bank, N.A.
Main at First South Branch
Salt Lake City, UT 84110

RECON NO.
CHECK DATE 11/21/03

PAY THIS AMOUNT
XXXXXXXXXX

DEPOSIT ADVICE

PLEASE REFER TO THE DEDUCTION COLUMN ON YOUR
CHECK STUB FOR DIRECT DEPOSIT AMOUNTS.

PAY
TO
THE
ORDER
OF

16150
SIONE LIMHI LATU
2274 NORTH 390 EAST

PROVO

UT 84604

NON-NEGOTIABLE

12/17/04					10	10			
ORD FOR PERIOD ENDING 12/12/04					EARNINGS				
OUPATION TITLE	SN	REG. HRS.	PREM. HRS.	ALLOW. HRS.	TOTAL AMOUNT	DESCRIPTION	CUR. HRS.	CUR. AMOUNT	YTD AMOUNT
ERK	1	8.00			146.40	REGULAR	80.00	1464.00	36756.48
ERK	1	8.00			146.40	OVERTIME			108.88
ERK	1	8.00			146.40	VACATION			460.29
ERK	1	8.00			146.40	VAC NOT EL			1272.53
ERK	1	8.00			146.40	HOLDY PREM			1160.27
ERK	1	8.00			146.40	LUNCH ALLO			27.08
ERK	1	8.00			146.40	HOLIDAY			579.61
ERK	1	8.00			146.40	SHIFT2 DIF			.80
ERK	1	8.00			146.40	MISC AWARD			539.41
ERK	1	8.00			146.40	INCENTIVE			1705.37
ERK	1	8.00			146.40	GRP LF INC			12.96
TOTAL					1464.00			42623.68	
					TAXES AND DEDUCTIONS				
					DESCRIPTION				
					CUR. AMOUNT				
					YTD AMOUNT				
					MEDICARE				
					21.22				
					601.55				
					SOC SEC				
					90.77				
					2572.18				
					FED TX WITH				
					21.77				
					1166.92				
					STATE TAX				
					42.28				
					1141.85				
					MED COST				
					1101.24				
					DEN COST				
					36.00				
					CHILD SUPP				
					623.08				
					15955.61				
					LEVY - STATE				
					50.00				
					1300.00				
					GARNISHMENT				
					153.72				
					3667.03				
					GRP LF INC				
					12.96				
					NET CHECK DD				
					461.16				

MIN PAY STATEMENT FOR YOUR RECORDS

SAVINGS BOND INFORMATION		
RENT	PURCHASE	CURRENT
PHASES	PRICE	BALANCE

RECON NO.

MINNECOTT UTAH COPPER CORPORAT
 BOX 6001
 309 WEST 3595 SOUTH
 84044

MINNECOTT UTAH COPPER CORPORATIO
 BOX 6001
 309 WEST 3595 SOUTH
 84044

RECON NO.
 CHECK DATE 12/17/04

PAY THIS AMOUNT
XXXXXXXXXX

DEPOSIT ADVICE

PLEASE REFER TO THE DEDUCTION COLUMN ON YOUR
 CHECK STUB FOR DIRECT DEPOSIT AMOUNTS.

150
 ONE LIMHI LATU
 7 EAST 2200 NORTH

OVO UT 84604

NON-NEGOTIABLE

FEATURES INCLUDED ON THIS DOCUMENT ARE DETAILED ON BACK OF CHECK. IF THESE FEATURES ARE NOT PRESENT, DO NOT CASH

THIS IS NOT A CHECK

SIONE LIMHI LATU

12/30/05

ST.

S

5

ORD FOR PERIOD ENDING

12/25/05

EARNINGS/TAXES/DEDUCTIONS

OCCUPATION TITLE	SN	REG HRS.	PREM HRS.	ALLOW. HRS	TOTAL AMOUNT	DESCRIPTION	CUR. HRS.	CUR. AMOUNT	YTD AMOUNT
LERK	1	8.00		1.00	162.31	REGULAR	80.00	1484.00	37022.40
LERK	1	8.00		1.00	162.31	OVERTIME			27.82
LERK	1	8.00		1.00	162.32	VACATION			878.40
LERK	1	8.00		1.00	162.31	VAC NOT EL			439.20
LERK	1	8.00			148.40	HOLDY PREM			473.02
LERK	1	8.00			148.40	LUNCH ALLO	4.00	55.65	55.65
LERK	1	8.00			148.40	HOLIDAY	16.00	296.80	1032.80
LERK	1	8.00			148.40	SHIFT2 DIF		.40	.40
LERK	1	8.00		1.00	162.31	EXT WORK		13.91	13.91
LERK	1	8.00			148.40	MISC AWARD			3076.54
LERK					148.40	INCENTIVE			1283.20
LERK					148.80	GRP LIFE I			12.96
EARNINGS TOTAL							✓1850.76	44316.30	
MEDICARE							26.83	621.72	
SOC SEC							114.75	2658.40	
FED TX WITH							158.65	4258.56	
STATE TAX							87.88	1948.62	
MED COST								1025.40	
DENTAL COST								60.00	
Rx COST								353.52	
UTCHILD SUPP							395.08	10562.68	
LEVY - STATE							50.00	1300.00	
LEVY - FED							292.00	860.33	
WAGE ASSGMNT							75.00	1500.00	
GARNISHMENT							162.64	763.25	
GRP LIFE INC								12.96	
NET CHECK DD							487.93		
TOTAL					1850.76				

RAIN PAY STATEMENT FOR YOUR RECORDS

SHIFT DIFFERENTIAL ADJUSTMENT"

KENNECOTT UTAH COPPER CORPORAT
PO BOX 6001
8309 WEST 3595 SOUTH
MAGNA UT 84044

KENNECOTT UTAH COPPER CORPORATIO
PO BOX 6001
8309 WEST 3595 SOUTH
MAGNA UT 84044

CHECK DATE 12/30/05

PAY THIS AMOUNT

XXXXXXXXXX

DEPOSIT ADVICE

PLEASE REFER TO THE DEDUCTION COLUMN ON YOUR
CHECK STUB FOR DIRECT DEPOSIT AMOUNTS.

16150
SIONE LIMHI LATU
347 EAST 2200 NORTH

PROVO

UT 84604

NON-NEGOTIABLE

Y FEATURES INCLUDED ON THIS DOCUMENT ARE DETAILED ON BACK OF CHECK IF THESE FEATURES ARE NOT PRESENT, DO NOT CASH

THIS IS NOT A CHECK