

2006

Kallie J. Sill v. Joel Gordon Sill : Reply Brief

Utah Court of Appeals

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IN THE UTAH COURT OF APPEALS

KALLIE J. SILL, *

Petitioner-Appellee, *

v. * Case No. 20060296-CA

JOEL GORDON SILL, *

Respondent-Appellant. *

REPLY BRIEF OF APPELLANT

Appeal from a Final Order Entered in the Third Judicial District Court
For Summit County, State of Utah
The Honorable Bruce C. Lubeck, Presiding

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TABLE OF CONTENTS

TABLE OF AUTHORITIES i
ARGUMENT 1
CONCLUSION 2

TABLE OF AUTHORITIES

Cases Cited

Callister v. Callister, 1 Utah 2d 34, 261 P.2d 944 (1953). 1
Naylor v. Naylor, 700 P.2d 707 (Utah 1985) 1

IN THE UTAH COURT OF APPEALS

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REPLY BRIEF OF APPELLANT

ARGUMENT

Remarkably, nowhere in the 30 pages of appellee Kallie Sill's responding brief does she either acknowledge or discuss the two Utah Supreme Court cases that are cited in appellant Joel Sill's opening brief and that control in this case: *Callister v. Callister*, 1 Utah 2d 34, 261 P.2d 944 (1953), and *Naylor v. Naylor*, 700 P.2d 707 (Utah 1985). The absence of any argument as to why those cases are not dispositive in this appeal signals an implicit concession by Ms. Sill that, in light of that authority, the trial court erred in dismissing Mr. Sill's petition to modify the divorce decree for the reasons set forth in Mr. Sill's opening brief.

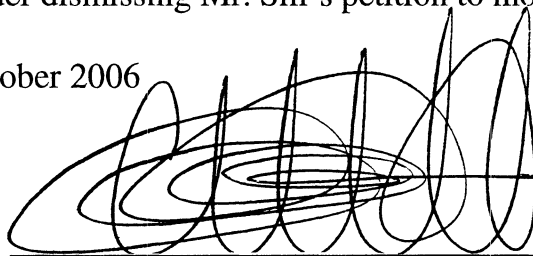
As for Ms. Sill's suggestion that the trial court dismissed Mr. Sill's petition on the alternative ground that the petition did not contain sufficient information on his income (current or historical), Aple.'s Br. 28, there simply is nothing in the court's order to indicate it even considered that alleged basis for dismissal. Accordingly, this Court

should summarily reject Ms. Sill's suggestion concerning an alternative ground for affirmance.

CONCLUSION

For the foregoing reasons and those set forth in Mr. Sill's opening brief, this Court should reverse the trial court's order dismissing Mr. Sill's petition to modify.

Dated this 16th day of October 2006

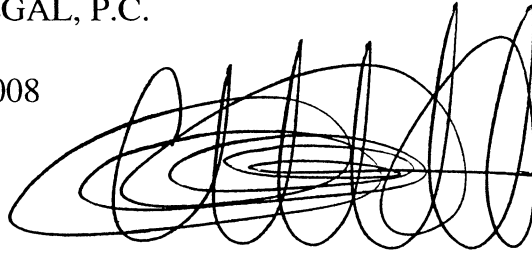
A handwritten signature in black ink, appearing to read 'Christina I. Miller', written over a horizontal line.

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CERTIFICATE OF SERVICE

I certify that on October 16, 2006, I served the foregoing Reply Brief of Appellant on the attorneys for Petitioner-Appellee by mailing two copies, with postage prepaid, in an envelope addressed to:

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A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line, positioned to the right of the recipient's address.

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