

2006

Heather Thomas v. Jack Thomas : Reply Brief

Utah Court of Appeals

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Jack Thomas; Martha Pierce.

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IN THE UTAH COURT OF APPEALS

Heather Thomas, :
 :
 Plaintiff Appellant, : Appellate Court No.
 : 20060981
 vs. :
 : Civil Case No.
 Jack Thomas, : 064700128
 :
 Defendant Appellee, :
 :
 :
 :
 :

REPLY BRIEF OF APPELLANT

APPEAL FROM PROTECTIVE ORDER
IN THE SEVENTH JUDICIAL DISTRICT COURT
THE HONORABLE BRUCE HALLIDAY, DISTRICT JUDGE

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A PUBLISHED DECISION IS REQUESTED BY APPELLANT

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OBJECTION TO THE GUARDIAN'S STATEMENT OF THE CASE

The Mother objects to the Guardian's Statement of the Case and requests that it be stricken. The Statement of the case does not comply with the Requirements of Rules 24(a)(7); and (e) of the Utah Rules of Appellate Procedure. Ut. R. App. P. 24(a)(7);(e) (West 2006). The Guardian fails to provide any record cite to support the assertions therein. *Brief of Guardian*, at 2-3.

OBJECTION TO THE GUARDIAN'S STATEMENT OF FACTS

The Mother objects to the Guardian's Statement of Facts and requests that the information contained therein be stricken as follows:

1. Guardian's Statement of Facts does not comply with the requirements of Rule 24(a)(7) of the Rules of Appellate Procedure. Ut. R. App. P. 24(a)(7);(e) (West 2006). It completely fails to cite the record below as required by that rule to support its assertions therein. *Brief of Guardian*, at 3-5.
2. In violation of the Rules of Appellate Procedure, the Guardian's Statement of Facts, makes of assertions of fact that are not in the record. Ut. R. App. P. 24(a)(7);(e) (West 2006); *Id.* Appellant is unable to locate where in the record that the Guardian proffered to the Judge that Tim Hansen had been twice substantiated for child sex abuse by the Utah

Division of Child and Family Services.

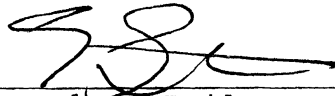
ARGUMENT

In reply to the Guardian's brief the Appellant resubmits her initial brief.

CONCLUSION

Appellant respectfully request this court to reverse and strike paragraph L of the Trial Court's protective order.

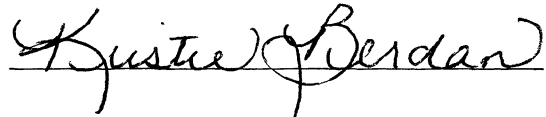
DATED this March, 22 2007.



Samuel S. Bailey
Attorney for the Appellant

CERTIFICATE OF SERVICE

I hereby certify that seven (7) copies and one original of the foregoing were Mailed by U.S. First Class Mail, postage prepaid, to the Court of Appeals and that two (2) copies of the foregoing were Mailed by U.S. First Class Mail, postage prepaid, to both, Martha Pierce and Jack Thomas at the addresses listed below on this 22, day of March, 2007.



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