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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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LORI TESKE and TERRI	)	
FRANKLIN,	)	
	)	
Plaintiffs,	)	
vs.	)	Case No. 4:22-cv-00035-DBB
	)	Judge David Barlow
PAPARAZZI, LLC, et al.,	)	
	)	
Defendants.	)	

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PAPARAZZI, LLC d/b/a	)	
PAPARAZZI ACCESSORIES,	)	
LLC, a Utah limited	)	
liability company,	)	Case No. 4:22-cv-00028-DBB
	)	
Plaintiff,	)	Judge David Barlow
vs.	)	
MELISSA SORENSON, an	)	
individual, et al.	)	

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BEFORE THE HONORABLE PAUL KOHLER

September 9, 2022

STATUS CONFERENCE HEARING

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1 ST. GEORGE, UTAH, FRIDAY, SEPTEMBER 9, 2022

2 \* \* \* \* \*

3 THE COURT: Good morning, everyone. I  
4 appreciate you making your way here. It looks like  
5 we've got plenty of lawyers to handle whatever we need  
6 here today. We're convening really in two cases,  
7 Papparazzi vs. Sorenson, et al., Case 4:22-cv-00028; and  
8 Teske, et al. vs. Papparazzi, Case 4:22-cv-00035.  
9 Obviously I've scheduled these at the same time, and to  
10 the degree that they overlap or it's useful to talk  
11 about both at the same time, we can.

12 That being said, I'd like to start with the  
13 Teske case first. This is kind of a follow-up to a  
14 hearing that we had earlier, and let me make sure I  
15 know who I'm talking to here. Tell me who will be the  
16 main voice here for Teske today?

17 MR. SELTZ: Good morning, Your Honor. That  
18 will be me, Daniel Seltz, from Lief Cabraser.

19 THE COURT: Thanks, Mr. Seltz. And the  
20 main voice for Papparazzi?

21 MR. LINDHOLM: Good morning, Your Honor.  
22 Robert Lindholm for the defendants from Nelson Mullins.

23 THE COURT: Okay. Thank you. Okay. The  
24 last time we met we left it with a number of motions to  
25 transfer cases to Utah sort of looming and the

1 following motions to consolidate. It looks to me like  
2 the cases have now all been successfully transferred to  
3 the District of Utah, and there's at least one motion  
4 pending that became ripe on September 2nd regarding  
5 consolidation.

6 Mr. Lindholm, does that sound right to you?

7 MR. LINDHOLM: That does, Your Honor.

8 THE COURT: Okay. And this is in front of  
9 Judge Barlow. To the degree it matters, he's a pretty  
10 efficient judge. I think we can anticipate a decision  
11 on that relatively quickly.

12 So, Mr. Lindholm, what would you, if  
13 anything, like to tell me about this Teske case and  
14 what I ought to do?

15 MR. LINDHOLM: Yeah. So, Your Honor, I  
16 guess it's worth mentioning, just from a procedural  
17 perspective, so the motion to consolidate that we filed  
18 that is now fully briefed before you as of September  
19 2nd, that was moving to consolidate the Teske case and  
20 then the Johnson and Gilbert cases that at the time we  
21 moved were the only three that were in the District of  
22 Utah. We are now prepared to file a second motion to  
23 consolidate the two new cases, the Hollins case out of  
24 New York and the Burgess case out of California, with  
25 the three cases we've already moved to consolidate.

1 Yesterday we filed a motion for permission to file an  
2 overlength motion that's pending before the Court right  
3 now. And as soon as we have a decision on that, we  
4 will be prepared to file the motion to consolidate all  
5 five cases together.

6 THE COURT: Okay. I appreciate that. And  
7 I'll let you know that I'll rule on the motion for  
8 extension today so that you have a decision on that.

9 And it appears your position, Mr. Lindholm,  
10 remains that we ought to continue -- I ought to  
11 continue the stay regarding moving the case forward  
12 with responsive pleadings and so forth until these  
13 consolidation cases are decided. Is that fair to say?

14 MR. LINDHOLM: Yes. That is our position,  
15 Your Honor.

16 THE COURT: Okay. Very good. Mr. Seltz,  
17 let me turn to you for your thoughts.

18 MR. SELTZ: Thank you, Your Honor. And I  
19 think it's important to point out that the scope of our  
20 disagreement on this consolidation motion is actually  
21 quite narrow. It's significant from our perspective,  
22 but it's narrow. We do not oppose consolidation of the  
23 three cases before the Court or the two that have just  
24 arrived in Utah for any purpose. And we actually  
25 support consolidation for the limited purpose that we

1 described in our brief, which is what's typically  
2 ordered in these multi-plaintiff cases, which is that  
3 the cases would be consolidated for discovery and for  
4 pretrial proceedings.

5 Our only concern with the defendant's  
6 proposal is that it appears to be consolidation for all  
7 purposes from the pleadings all the way through trial,  
8 which we think is far too broad, would ultimately  
9 create all kinds of inefficiencies and not be fair to  
10 our clients.

11 But in terms of what's before the Court, in  
12 terms of the consolidation motion and the one that  
13 apparently will be filed later today, we actually don't  
14 oppose consolidation for discovery purposes. But what  
15 we want to have happen is to get this case moving,  
16 because what's before the Court now is our complaint  
17 with distinct claims in ways that I can talk about  
18 further that deserves its own independent response and  
19 that response should come as soon as possible.

20 The only other thing I want to point out  
21 before we -- just to make sure Your Honor is aware of  
22 it, is that there was a suggestion in the -- in the  
23 briefing that somehow our group of plaintiffs was alone  
24 in opposing consolidation, and we actually spoke to the  
25 counsel for some of the other consumer plaintiffs

1 earlier this week because we had seen in the  
2 defendant's reply brief that there was this  
3 representation that they -- that they supported  
4 consolidation.

5 And I just want to make sure it's clear  
6 that their position is actually -- you know, mirrors  
7 ours, which is that, again, there should be  
8 coordination for discovery, but that there can be a  
9 consultant track, which is our case, and a consumer  
10 track, which can proceed in parallel. They can be  
11 joined for discovery but their position is ours, which  
12 is that the cases should be -- to the extent there are  
13 going to be motions to dismiss, we should -- we should  
14 get those going and get the cases moving.

15 THE COURT: Thanks. I appreciate your  
16 thoughts. Let me put this case on pause just for a  
17 minute here and turn to the Sorenson case.

18 Mr. Lindholm, are you voice on this case  
19 for Paparazzi as well?

20 MR. LINDHOLM: No, Your Honor. Right now  
21 it's Mr. Farr and the Buchalter Firm.

22 THE COURT: Okay. Mr. Farr, good morning.

23 MR. FARR: Good morning, Your Honor.

24 THE COURT: And for Sorenson and group, who  
25 is main voice this morning?

1 MR. JAMES: You have Justin James, but I  
2 guess it's important to make a distinction that I am  
3 here on behalf of Geraldine Souza, Jaime Robinson, and  
4 Jennifer Carroll only. The other parties, I think,  
5 have extensions to respond to the complaint and haven't  
6 responded to the complaint yet, the other defendants.

7 THE COURT: Okay. I appreciate that  
8 distinction. Similarly, this case is looking for an  
9 extension for responsive pleadings.

10 Why don't I turn first to you, Mr. Farr,  
11 for your thoughts on this case.

12 MR. FARR: Thank you, Your Honor. And I  
13 wish we weren't here today seeking an extension. I  
14 don't think -- I did not think it would be necessary  
15 after the counterclaim defendants filed their  
16 counterclaims on August 15 of this -- of this year.  
17 They asked the counterclaim defendants to accept  
18 service of the counterclaims, which because of the  
19 rules, Rule 4(d), which requires the founders, that  
20 they have a duty to avoid, you know, the unnecessary  
21 expenses of serving the summons.

22 The founders, the individual counterclaim  
23 defendants, agreed to waive service. But after the  
24 founders informed the counterclaim defendants -- or  
25 counterclaimants that they would do so subject to the



1 60-day deadline in the rules, the counterclaimants  
2 withdrew their request that the counterclaim defendants  
3 accept service, and then personally served the  
4 individual founders with a 21-day summons. The parties  
5 did meet and confer several times on the issue, but the  
6 counterclaim defendants were forced to file this motion  
7 seeking a total of 60 days which is what is permitted  
8 under the rules under the acceptance -- or Waiver of  
9 Service Rule from the date the counterclaim is filed.  
10 So that would take it to October 14, 2022, or 39 days  
11 after the 21-day summons in order to respond to the  
12 counterclaims.

13           There's good cause for this request and  
14 it's included in the motion, but as the Court was just  
15 discussing the background, there's these five class  
16 action lawsuits pending against Paparazzi in this  
17 district. The Teske case was originally filed here and  
18 the four have been transferred as the Court just  
19 mentioned. And, you know, at the time of filing this  
20 motion for extension only three of those were pending  
21 in the district which, you know, was subject to a  
22 motion to consolidate filed by Paparazzi for those  
23 three actions. But once the Court rules on the motion  
24 for overlaying, that second motion to consolidate,  
25 seeking to consolidate, all five of the class action

1 lawsuits will be filed in the Teske matter.

2           The counterclaims in this case allege very  
3 similar facts and causes of action as the related class  
4 action lawsuits, the five class action lawsuits in this  
5 district. Many of these claims and the facts are based  
6 on the "lead and nickel free" claims asserted in the  
7 Teske case. And the counterclaimants are all former  
8 Paparazzi consultants, just as the punitive class of  
9 the plaintiffs in the Teske case.

10           So because of this procedural posture,  
11 Paparazzi and its founders have requested the time  
12 provided for under the rules, 60 days to analyze the  
13 counterclaims, compare them to the class action  
14 lawsuits, I mean actually determine whether the  
15 counterclaims could be severed from this lawsuit and  
16 consolidated with Teske and the other class actions.  
17 But Paparazzi didn't ask for some indefinite extension,  
18 just time to analyze these issues for efficiency's  
19 sake, both for the Court and for the parties. And  
20 Paparazzi also needed to tender the claims with insurer  
21 to determine whether there would be defense coverage  
22 here in order to know who would represent the  
23 counterclaim defendants in responding to the  
24 counterclaims which process is well under way and we  
25 expect a decision from the insurer any day now.

1           Finally, the requested extension here is  
2 reasonable and proportional on its face. The  
3 counterclaims are complex, and the damages being sought  
4 by the counterclaimants here, they're seeking over \$5  
5 million in damages as well as punitive damages. So the  
6 request for the extension was intended to promote a  
7 more speedy resolution as contemplated by the rules by  
8 allowing the parties to eliminate the same  
9 inefficiencies and unnecessary overlap that we  
10 discussed in the Teske matter. And the rules, again,  
11 expressly provide for this 60-day deadline when  
12 accepting our (inaudible). It can't be deemed  
13 unreasonable or disproportional without some legitimate  
14 counterargument.

15           But rather than address the arguments in  
16 Papparazzi's and the founders' motion head-on, the  
17 counterclaimants instead mischaracterized Papparazzi's  
18 extension request as -- and this is a direct quote  
19 "purely strategic." As the Court's aware, Utah Rules  
20 of Professionalism and Civility prohibit lawyers from  
21 requesting extension for this reason. The rule  
22 actually says, "Prohibits asking for extensions solely  
23 for the purpose of delay or to obtain a tactical  
24 advantage."

25           So to be clear, Papparazzi's counsel did not

1 request this extension solely for the purpose of delay  
2 or to obtain a tactical advantage or as  
3 counterclaimants word it "for purely strategic  
4 reasons." And Paparazzi strongly objects to any  
5 implication that either it or its founders or its  
6 counsel violated any rule of professionalism.

7 To be fair here, though, the parties have  
8 met and conferred following the submission of the  
9 opposition, and counsel for counterclaimants clarified  
10 it was not their intention to allege any violation of  
11 the rules, but, of course, we wanted to address that in  
12 case the Court interpreted the opposition the same way  
13 as Paparazzi and its founders.

14 The counterclaimants' remaining arguments  
15 in their opposition are -- are simply assumptions about  
16 Paparazzi's intent in filing its claims in this lawsuit  
17 and its seeking a temporary restraining order and  
18 preliminary injunction. These assumptions are made  
19 without any evidence other than, you know, the  
20 counterclaimants' own speculation. So it's Paparazzi's  
21 position that they should be disregarded completely  
22 because they carry no weight on this motion.

23 So to put it simply, the counterclaim  
24 defendants are requesting that this Court order that  
25 they have a total of 60 days or until October 14, 2022,

1 to respond to the counterclaims for the same reasons  
2 discussed here today and those included in the motion.

3 So unless the Court has any other  
4 questions, I'll reserve any response for reply. Thank  
5 you, Your Honor.

6 THE COURT: Thank you, Mr. Farr.

7 Mr. James, your thoughts?

8 MR. JAMES: Yeah. I guess, initially, Mr.  
9 Farr is absolutely correct in his representations, that  
10 we did not intend to and our opposition is not made to  
11 allege an ethical violation or any sort. I have the  
12 utmost respect for Mr. Farr and his firm, and that was  
13 not what we were arguing, that there was some ethical  
14 violation with their request, but we do view the  
15 request as largely a strategic one. And we set it out  
16 in our opposition that the rules require a good cause  
17 for extension and to extend the time, and good cause is  
18 often a cause that you can't -- you can't meet the  
19 deadlines despite your diligence.

20 We quoted from their motion, you know. My  
21 view of this is it is a strategic request. It's not  
22 unethical, but it is strategic, and they want to  
23 analyze the counterclaims, see what happens with  
24 consolidation, and then decide in 60 days or whenever  
25 whether or not to consolidate or try and consolidate

1 our claims into other cases.

2 And while I recognize they have the right  
3 to request that from the Court, the rules balance this  
4 issue in my mind of needing time to analyze, consider,  
5 and respond and my client's interest in a just and  
6 speedy trial.

7 The unique situation here is that my  
8 clients are defendants. They didn't file this lawsuit;  
9 Paparazzi did. Paparazzi was in such a rush to file  
10 this suit and get it going, in fact, they rushed into  
11 court and filed an emergency motion for a TRO and an  
12 injunction. Now that they have that, my client's  
13 perspective, my perspective, is they're pumping the  
14 brakes. They have a preliminary injunction. What's  
15 the rush? Why -- why move this case forward? Let's  
16 wait and see and delay and string out the injunction as  
17 long as we can.

18 Paparazzi is not opposing discovery, and we  
19 can get to that immediately so that we can challenge  
20 and test the injunction which is a significant burden  
21 to my clients. We're happy to consider the 60 days,  
22 but it is, in my view, absolutely contrary to Rule 1 of  
23 the Federal Rules of Civil Procedure where they should  
24 be construed for a just, speedy, inexpensive resolution  
25 of the matters where we file counterclaims and

1 third-party complaints and they say we need 60 more  
2 days to respond and just delay the case.

3 And so, in my view, if they're going to get  
4 a 60-day extension, either we need to be able to  
5 immediately engage in discovery or the injunction  
6 should be absolved.

7 THE COURT: Okay. I appreciate your  
8 thoughts. Because I like to live dangerously here, let  
9 me just ask whether any other lawyers have anything to  
10 interject on either case here?

11 MR. FARR: Your Honor, I would like the  
12 opportunity just to respond to a couple of brief  
13 points.

14 THE COURT: Sure. Go ahead.

15 MR. FARR: First, you know, the  
16 characterization of rushing into the court for a TRO is  
17 accurate. We did rush into court because data was  
18 stolen, it was being transmitted and shared with other  
19 parties, which is an appropriate time to seek emergency  
20 relief from a TRO. But the allegation that we're  
21 somehow just sitting on our hands because we have what  
22 we want is untrue, and that's not the case. We're not  
23 just waiting -- Paparazzi and its founders are not  
24 waiting to see how the motions to consolidate are going  
25 to -- are going to turn out because Paparazzi's going

1 to file a second motion to consolidate here hopefully  
2 today. And Paparazzi is prepared to file a motion to  
3 consolidate, you know, a third one to consolidate the  
4 counterclaims. Within a week Paparazzi can file that  
5 motion to consolidate.

6 There's no attempt here to delay things but  
7 there -- this is a complicated case. There are  
8 potentially six cases now alleging the same facts. So  
9 to do what the counterclaimants propose here and start  
10 discovery in this one case, you know, when we can do  
11 all of this together with all six cases once we, you  
12 know, get them consolidated, which is Paparazzi's  
13 intent, unless the Court rules otherwise on those  
14 motions, it is inefficient.

15 The efficiencies dictate that we do this  
16 together and even Teske's counsel today indicated that  
17 they're not opposed to doing discovery together. They  
18 have other oppositions to the motion to consolidate,  
19 but discovery is not one of them, so this discovery  
20 should be done together for the just and speedy and  
21 efficient resolution of all of these matters, including  
22 the counterclaimants' counterclaims.

23 THE COURT: Thank you. I appreciate that.

24 Mr. James?

25 MR. JAMES: Yeah, very, very quickly, based



1 on that recent argument, I think that their motion  
2 largely now, in my mind, can be mooted; that if they're  
3 willing to and the representation is we will get a  
4 motion to file to -- or a motion to consolidate on file  
5 by the end of next week, then I'm okay to wait for  
6 another week for them to file that motion to  
7 consolidate, and I recognize that we'll have to get  
8 that ruled on before we move forward.

9 I want to be clear, though, that  
10 consolidation under the local rules, if they're going  
11 to try and consolidate all of the other cases, that  
12 needs to be filed in my case because this is the case  
13 with the lowest number, and local rules require  
14 consolidation be filed on the lowest number case.

15 THE COURT: Okay. And I just want to make  
16 sure I have in mind all the pending or soon to be  
17 pending consolidation motions. There's one pending now  
18 that involves Johnson and Gilbert, and one that we  
19 anticipate will be pending within the next few days  
20 regarding Hollins and Burgess; is that correct?

21 UNIDENTIFIED SPEAKER: That is correct,  
22 Your Honor.

23 MR. SELTZ: Your Honor, if I may, just very  
24 briefly.

25 THE COURT: Sure. Go ahead.

1 MR. SELTZ: Again, we have not been  
2 involved in the sixth case where I now understand there  
3 may be yet another push for consolidation forthcoming,  
4 so obviously we can't weigh in on that. But I just  
5 want to make sure our position remains clear, which is  
6 that we are -- we are willing to coordinate with any  
7 plaintiffs to -- to create efficiencies where possible.  
8 Our concern right now is that Paparazzi actually  
9 respond to our complaint which has been on file for  
10 some time, and there's nothing I've heard about any of  
11 these consolidation motions, certainly nothing that  
12 I've seen in our briefing, that should prevent that  
13 from happening basically immediately, and I want to  
14 make -- and I want to make sure that's clear.

15 THE COURT: Thanks. I appreciate it. Your  
16 position is clear, Mr. Seltz.

17 I'm going to take just a very brief recess.  
18 If you'll all be patient with me, I will be right back.

19 Jeanene, if you can put me in a breakout  
20 room with Aubrey and Tom, please.

21 (Whereupon, a recess was taken.)

22 THE COURT: Thank you for your patience,  
23 everyone. I appreciate that.

24 As has been mentioned by different lawyers,  
25 my main interest here is the just, speedy, and

1 inexpensive resolution of a case. I always feel like  
2 qualifying that by saying the most just and speedy,  
3 inexpensive as possible resolution to cases, because I  
4 know none of this is cheap, especially in a big case.

5           And let me also say I do find or at least  
6 am recognizing no delay or tactical advantage being  
7 sought here. This is complicated. There are five or  
8 six cases, class action cases included, with similar or  
9 at least overlapping facts, and I think that is good  
10 cause for us being careful as we proceed here in one of  
11 the rare cases where slowing down can create some  
12 efficiencies.

13           So let me start first with the Teske case.  
14 I am going to continue the stay and not require a  
15 responsive pleading. Rather than try to put a date on  
16 that, I am going to tie these two motions to  
17 consolidate, the one that's pending and the second one,  
18 Hollins and Burgess, that I anticipate will be pending  
19 soon.

20           And so I am ordering that within 14 days of  
21 those two motions being resolved, the parties meet and  
22 confer and propose to the Court a scheduling order that  
23 includes responsive pleadings. And I do anticipate and  
24 expect that those responsive pleadings will be sooner  
25 than later on any proposal, because as has been noted

1 here, particularly by Mr. Seltz, they have been pending  
2 here for a while. That is my order in that case.

3 Let me first ask: Are there any questions  
4 or clarifications that are needed with that before I  
5 move on to the other case?

6 UNIDENTIFIED SPEAKER: No, Your Honor.

7 THE COURT: Okay. Thank you. Then it  
8 won't surprise you my order in the second case is going  
9 to be largely the same. Within 14 days of those two  
10 motions being resolved, the parties must meet and  
11 confer and propose a scheduling order that includes the  
12 counterclaim defendants' date to respond to the  
13 counterclaim. I am tying these -- it's a little  
14 unusual, I know, to tie these to a motion that's not  
15 pending, but I am convinced that it will be so soon.

16 If something changes on that significantly  
17 or the parties see yet another motion that needs to be  
18 filed, I'll just ask that you reach out to the Court,  
19 meet and confer, and see if you can come to some  
20 proposal that fits within my current framework, and let  
21 us know. You can do that even informally, but absent  
22 that, that will be the order. We'll watch it  
23 carefully.

24 I will review and rule on any motions  
25 quickly, including the extension motion that's pending

1 now, and we'll try to keep this moving forward as fast  
2 as possible.

3 I know, Mr. Seltz, you probably don't  
4 believe me when I say that's my main interest, but it's  
5 in my job description to be a nag to all of you so  
6 that's my plan. Any clarifications needed on the  
7 Sorenson case?

8 MR. JAMES: One for me, Your Honor, which  
9 is --

10 THE COURT: Sure.

11 MR. JAMES: -- I understand that they have  
12 some time to respond to the counterclaims. Are we  
13 precluded from engaging in discovery?

14 THE COURT: I am -- I'm not precluding  
15 anything that the parties could do by agreement here,  
16 generally, but I am imposing a stay and not mandating  
17 any discovery take place before that. That is a little  
18 confusing and maybe not perfectly clear, but I am  
19 staying the case. So the answer is no discovery need  
20 be engaged in before a scheduling order is in place,  
21 but if the parties think something can move forward and  
22 nobody objects to it, I am not opposed to that.

23 Does that give you enough clarification,  
24 Mr. James?

25 MR. JAMES: Yeah, and then it raises one

1 more question, I apologize, and that is, does that then  
2 impact the injunction that's in place, or are we just  
3 stuck without being able to contest or otherwise  
4 challenge this injunction?

5 THE COURT: I'm viewing that as separately,  
6 and since it's in front of the district judge, I'll  
7 leave all matters regarding injunction to the district  
8 judge in this case.

9 UNIDENTIFIED SPEAKER: Your Honor, I have  
10 one clarifying question, and I apologize if you  
11 addressed this and I missed it. But is there a date  
12 certain by which the motion to consolidate in the  
13 Sorenson matter has to be filed on top of the one that  
14 I -- I understand is coming?

15 THE COURT: That's a good point. I have  
16 just sort of acknowledged that I think it will be  
17 speedy, but I hate to have it just floating out there.  
18 Let me ask if I put a deadline on that, and I hope it's  
19 not that long, but no later than a week from today.  
20 Does that cause any problems?

21 UNIDENTIFIED SPEAKER: Your Honor, it does  
22 not cause any problems for Papparazzi or the other  
23 counterclaim defendants.

24 THE COURT: Okay. I'll note that that  
25 motion to consolidate, if it's going to be filed, needs

1 to be filed no later than a week from today, but I'll  
2 encourage as much speed there as possible. A lot of  
3 moving parts. I appreciate everyone's thoughtfulness  
4 and patience here and the work that you're doing here  
5 behind the scenes. Anything else I can do to be  
6 helpful today?

7 MR. LANG: One clarifying question, Your  
8 Honor. And Trevor Lang. I'll just quickly make my  
9 appearance on behalf of Melissa Sorenson, Kylee  
10 Robinette, and Jennifer Dyer. Our parties have already  
11 just obtained an order extending their answer through I  
12 believe the 30th, and I just wanted to confirm if that  
13 order is now stayed and wrapped up in the additional  
14 orders of the proposed scheduling order or if that  
15 should still be in place?

16 THE COURT: This order will supersede that  
17 one. If things happen way more quickly than anybody  
18 anticipates, I won't make you respond earlier than the  
19 30th since you were planning on that, but anticipating  
20 it goes beyond it, this order supersedes that.

21 MR. LANG: Understood. Thank you, Your  
22 Honor.

23 THE COURT: Okay. Thanks, everyone. Court  
24 is adjourned.

25 (Whereupon, court proceedings were concluded.)

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C E R T I F I C A T E

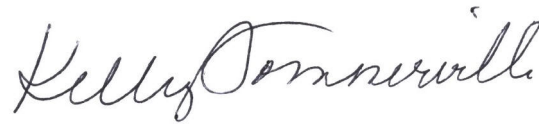
This is to certify that the foregoing transcript was prepared by me, KELLY SOMMERVILLE, a Registered Professional Reporter in and for the State of Utah;

That the transcript was prepared from a previously-recorded proceeding that was provided to me by means of a digital audio recording. That said recording was then written in stenotype by me and thereafter caused by me to be transcribed into typewriting. That I was not personally present at the said proceeding;

And that a full, true, and correct transcription of said recording so taken and transcribed to the best of my ability is set forth in the foregoing pages.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

WITNESS MY HAND AND OFFICIAL SEAL AT ST. GEORGE, UTAH THIS 20th DAY OF October, 2022.



\_\_\_\_\_  
Kelly Sommerville, RPR, FCRR