

Jeremy R. Cook (10325)  
**COHNE KINGHORN, P.C.**  
111 E. Broadway, Suite 1100  
Salt Lake City, UT 84111  
Telephone: (801) 363-4300  
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**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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UNITED STATES OF AMERICA Ex.  
Rel.  
MARK CHRISTOPHER TRACY,

Plaintiff - Appellant,

v.

EMIGRATION IMPROVEMENT  
DISTRICT, et al.

Defendants - Appellees.

Case Nos. 21-4059 & 21-4143

(D.C. No. 2:14-CV-00701-JNP)  
(D. Utah)

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**MOTION TO SUBSTITUTE PARTY AND DISMISS APPEAL**

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Eric Hawkes (“**Mr. Hawkes**”), Jennifer Hawkes (“**Mrs. Hawkes**”) and Simplifi Company (collectively, the “**Moving Parties**”), through counsel and pursuant to Rules 27 and 43(b), Federal Rules of Appellate Procedure, move the Court for an Order, first

substituting Moving Parties in place of the Appellant, Mark Christopher Tracy (“**Mr. Tracy**”) and then dismissing the appeal, with prejudice.

### **STATEMENT OF RELIEF SOUGHT**

Moving Parties seek an order substituting them as the appellant herein, and then dismissing the appeal with prejudice.

### **STATEMENT OF FACTUAL GROUNDS**

The factual grounds for this motion are as follows:

1. Appellee Emigration Improvement District (“**EID**”) contracts with Mr. Hawkes to provide management and accounting services for EID through his company, Simplifi Company.
2. On or about July 31, 2020, Mr. Tracy filed two separate actions against Mr. Hawkes, Mrs. Hawkes and Simplifi Company based on EID’s purported denial of a GRAMA request, but Mr. Tracy did not name EID as a party in either action (the “**GRAMA Cases**”).<sup>1</sup> See Case No. 200905074 (Judge Kouris Case) and Case No. 200905123 (Judge Faust Case).
3. On September 16, 2020, Judge Faust issued that certain *Memorandum Decision and Order* granting Moving Parties’ motion to dismiss (the “**Faust Ruling**”). In the Faust Ruling, Judge Faust found “Petitioner [Mr. Tracy] does not cite to any provision or language in GRAMA supporting the position that it can sue an individual or

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<sup>1</sup> EID’s attorneys, Cohne Kinghorn, also represented Moving Parties in the GRAMA Cases.

private company based on a governmental entity's alleged failure to respond to a GRAMA request"; and Petitioner "failed to cite any case law to support the position that Respondents are proper or necessary parties to this action."

4. Notwithstanding the Faust Ruling, Mr. Tracy continued to prosecute an almost identical case before Judge Kouris. On February 24, 2021, Judge Kouris entered that certain *Memorandum Decision and Order* granting respondents' motion to dismiss (the "**Kouris Order**").

5. In the Kouris Order, Judge Kouris found: "[T]he majority of the allegations in the Petition have nothing to do with a purported appeal of the denial of a GRAMA request for telemetry data. In fact Mr. Tracy does not reference the actual GRAMA request until paragraph 49 of the Petition, and the GRAMA form that is the purported basis of the appeal is Exhibit AA of the Petition. The vast majority of the allegations and exhibits relate to other complaints and issues that Mr. Tracy has with EID or Respondents, and are not necessary or proper for this action."

6. Judge Kouris also awarded Moving Parties \$5,758.50 in attorney fees against Mr. Tracy.

7. Judgment was entered by Judge Kouris in favor of Moving Parties for their award of attorney fees on February 24, 2021 (the "**Kouris Attorney Fee Judgment**").

*Id.*

8. On April 15, 2021, in response to a *Motion to Vacate* filed by Mr. Tracy, Judge Kouris entered that certain *Decision and Order Denying Motion to Vacate, Awarding Attorney Fees, and Finding Petitioner Mark Christopher Tracy to Be a Vexatious Litigant and Subject to Rule 83 of the Utah Rules of Civil Procedure* (the “**Vexatious Litigant Order**”). *Id.*

9. On or about May 3, 2021, Mr. Tracy filed the appeal in this matter. *See* Docket.

10. Mr. Tracy failed to pay the Kouris Attorney Fee Judgment or file a supersedeas bond. Therefore, on July 9, 2021, Moving Parties filed a writ of execution to execute on numerous causes of action, including all of Mr. Tracy’s right, title and interest to this appeal (this “**Appeal**”), which was listed in the *Application for Writ of Execution* as follows:

a. Cause of Action –

Appeal in the Tenth Circuit Court of Appeals for the following matter:

UNITED STATES OF AMERICA  
Ex. Rel. Mark Christopher Tracy

Plaintiff,

vs.

EMIGRATION IMPROVEMENT DISTRICT, a Utah Special Service  
District; et al.

Tenth Circuit Case No. 21-4059

A copy of the *Application for Writ of Execution* is attached hereto as Exhibit A.

11. On the same day, Judge Kouris issued the *Writ of Execution*, which included this Appeal. A copy of the Writ of Execution is attached hereto as Exhibit B.

12. On August 10, 2021, Mr. Tracy filed a *Reply and Request for Hearing – Writ of Execution* (the “**Request for Hearing**”). However, because Mr. Tracy has been found to be a vexatious litigant, Judge Kouris reviewed Mr. Tracy’s Request for Hearing before docketing it.<sup>2</sup>

13. On or about September 3, 2021, Judge Kouris’ clerk confirmed that Judge Kouris had reviewed the Request for Hearing and refused to docket it.

14. On October 20, 2021, the Salt Lake County Sheriff’s Office issued a *Notice of Sale* for a sheriff’s execution sale to be held on November 4, 2021.

15. On October 25, 2021, Mr. Tracy filed a *Petition for Extraordinary Relief and Motion for Emergency Stay*, requesting that the Utah Court of Appeals stay the execution sale. *See* Utah Court of Appeals, Case No. 20210743-CA.

16. On October 29, 2021, Judge Parrish issued that certain *Order Granting in Part and Denying in Part Defendants’ Motion for Attorneys’ Fees and Costs and Granting Defendants’ Motion to Amend* in this matter, pursuant to which Judge Parrish awarded the EID defendants \$92,665 in attorney fees based on Judge Parrish’s finding that this matter was vexatious and harassing. *See* Docket No. 342.

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<sup>2</sup> Judge Kouris is also the presiding judge of Utah’s Third District Court and is therefore responsible for reviewing filings of vexatious litigants.

17. On November 2, 2021, the Utah Court of Appeals issued an *Order* denying Mr. Tracy's *Petition for Extraordinary Relief* and *Motion for Emergency Stay*. See Utah Court of Appeals, Case No. 20210743-CA.

18. On November 4, 2021, Moving Parties purchased all of Mr. Tracy's right, title and interest to this Appeal at the Sheriff's Sale for the amount of \$1,500. A copy of the *Certificate of Sale* is attached hereto as Exhibit C.

19. Mr. Tracy did not attend the Sheriff's Sale or post a supersedeas bond to stay the Sheriff's Sale.

20. On November 5, 2021, the Utah Court of Appeals issued an *Order* denying Mr. Tracy's *Request for Rehearing* and *Second Motion for Emergency Relief*. *Id.*

### **ARGUMENT**

Fed. R. App. P. 43(b) allows for substitution of a party by following the procedure prescribed in Rule 43(a). Moving Parties purchased this Appeal at the Sheriff's Sale to satisfy the judgment for attorneys' fees, and are now the owners of this Appeal. Under Utah law, once the rights of a litigant have been sold,

a new party steps into the shoes of the former plaintiff, and the claims remain cognizable [citation omitted], but the sale cuts off the former plaintiff's right to pursue those claims. [citations omitted].

*Applied Med. Techs., Inc. v. Eames*, 2002 UT 18, ¶ 17, 44 P.3d 699, 702-03.

Accordingly, Moving Parties should be substituted as the Appellant in this matter.

This Court has also recognized that a party may purchase a cause of action at a sheriff's execution sale and dismiss the claim. In *RMA Ventures Calif. v. SunAmerica Life Ins. Co.*, 576 F.3d 1070, 1075 (10<sup>th</sup> Cir., 2009), this Court recognized:

Accordingly, Defendants are now the true owner's of Plaintiff's lawsuit and may move to dismiss the claims pending before us on appeal. See [\*Citizens Nat'l Bank\*, 935 So.2d at 1014-15](#) (dismissing the plaintiff's pending claims against the defendant after the defendant purchased those claims at a sheriff's execution sale); [\*Applied Medical Techs.\*, 44 P.3d at 704](#) (holding that the defendant could dismiss pending claims against itself after legally purchasing those claims at a sheriff's execution sale).

Fed. R. App. P. 42(b) states that “[t]he circuit clerk may dismiss a docketed appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any fees that are due.” Moving Parties, through counsel, agree that dismissal with prejudice, without an award of costs or fees, is appropriate. The United States of America, through counsel, takes no position on the Moving Parties’ motion to substitute, but if the Court orders such a substitution, the United States of America stipulates to a dismissal of the appeal with prejudice, with each party to bear its own fees and costs.<sup>3</sup> The remaining parties to this Appeal, R. Steve Creamer, Corollo Engineers, Inc., Emigration Improvement District, Fred A. Smolka, Michael Hughes, Mark Stevens, David Bradford, and Lynn Hales, through counsel, stipulate to the dismissal of the appeal with prejudice, with each party to bear its own fees and costs.

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<sup>3</sup> The United States of America’s stipulation to dismissal also satisfies the requirements of 31 U.S.C. § 3730(b)(1).

For the foregoing reasons, Moving Parties respectfully requests an order substituting them as the appellant herein, and then dismissing the Appeal with prejudice.

DATED this 30<sup>th</sup> day of November 2021.

**COHNE KINGHORN, P.C.**

/s/ Jeremy R. Cook  
Jeremy R. Cook  
*Attorneys for Moving Parties*

**Stipulation for Motion to Dismiss**

ANDREA T. MARTINEZ  
Acting United States Attorney

/s/ Amanda A. Berndt (with permission)  
AMANDA A. BERNDT  
Assistant United States Attorney  
Attorneys for the United States of America

STRONG & HANNI

/s/ Robert L. Janicki (with permission)  
Robert L. Janicki  
Michael L. Ford  
Attorneys for R. Steve Creamer

JONES WALDO HOLBROOK & MCDONOUGH

/s/ Craig R. Mariger (with permission)  
Craig R. Mariger  
C. Michael Judd  
Attorneys for Carollo Engineers, Inc.



COHNE KINGHORN, P.C.

/s/ Jeremy R. Cook  
Attorneys for Emigration Improvement District,  
Fred A. Smolka, Michael Hughes, Mark Stevens,  
David Bradford, Lynn Hales and Eric Hawkes

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of November 2021, a true and correct copy of the foregoing document was served by the CM/ECF system which will send notice of filing to counsel of record.

Amanda A. Berndt  
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[alandunaway@ppktrial.com](mailto:alandunaway@ppktrial.com)  
*Attorneys for Mark Christopher Tracy*

/s/ Jeremy R. Cook  
Jeremy R. Cook

**E X H I B I T**  
**A**

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Telephone: (801) 363-4300  
Email: [jcook@ck.law](mailto:jcook@ck.law)  
*Attorney for Respondents*

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Third Judicial District Salt Lake County

Court Address: 450 S. State Street, Salt Lake City, Utah 84111

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MARK CHRISTOPHER TRACY, DBA  
EMIGRATION CANYON HOME OWNERS  
ASSOCIATION,

Petitioner,

vs.

SIMPLIFI COMPANY, a Utah Corporation,  
ERIC HAWKES, an individual, and JENNIFER  
HAWKES, an individual,

Respondents.

**Application for Writ of Execution**  
(Utah Rule of Civil Procedure 64E)

Case Number: 200905074

Judge: Kouris

1. On February 24, 2021 judgment against petitioner Mark Christopher Tracy, also referred to as the judgment debtor, was entered in the amount of \$5,758.50. On April 30, 2021, amended judgment in the amount of \$9,029.00 was entered against petitioner Mark Christopher Tracy.

2. The amount due is:

Amount of original judgment	\$ 9,029.00
Post-judgment interest <a href="http://www.utcourts.gov/resources/intrates/interestrates.htm">www.utcourts.gov/resources/intrates/interestrates.htm</a>	\$
Cost to file Application for Writ of Execution	\$ 50.00

Cost to serve this writ	\$	
Filing and service fees for other writs (Attach receipts.)	\$	136.00
Subtotal	\$	9,215.00
Less payments made	\$	0.00
<b>Total amount due</b>	<b>\$</b>	<b>9,215.00</b>

3. The judgment debtor is:

Name	Mark Christopher Tracy
Address	1160 E. Buchnell Drive Sandy, Utah 84094

4. I request that a Writ of Execution be issued directing the sheriff or constable to seize and sell enough of the judgment debtor's property described below to satisfy the judgment. I request that the Writ be served on the debtor and on the people named in paragraphs 5 and 6, along with the attached forms, in the manner indicated in the Writ of Execution.

5. I request that the Writ of Execution direct the sheriff or constable to seize and sell the debtor's following **personal** property:

Description	Location	Estimated value
<p><b>a. Cause of Action –</b></p> <p><b>Appeal in the Tenth Circuit Court of Appeals for the following matter:</b></p> <p><b>UNITED STATES OF AMERICA</b>  <b>Ex. Rel. Mark Christopher Tracy</b></p> <p><b>Plaintiff,</b></p> <p><b>vs.</b></p> <p><b>EMIGRATION IMPROVEMENT DISTRICT, a Utah Special Service District; et al.</b></p> <p><b>Tenth Circuit Case No. 21-4059</b></p>		\$ 100

Description	Location	Estimated value
Name & address of anyone other than debtor claiming an interest:	<b>Price Parkinson &amp; Kerr, PLLC                      5742 W. Harold Gatty Dr. Suite 101                      Salt Lake City, UT 84116</b>	
<b>b. Cause of Action –</b>  <b>EMIGRATION CANYON HOME OWNERS ASSOCIATION, a Utah Corporation,</b>  <b>Petitioner,</b>  <b>vs.</b>  <b>KENT L. JONES, Division Director of the Utah State Division of Water Rights, and EMIGRATION IMPROVEMENT DISTRICT, a special service district of the state of Utah,</b>  <b>Respondents.</b>  <b>Case No. 190901675</b> <b>And all pending appeals including:</b> <b>Appellate Case No. 20200295-CA</b>		\$100
Name & address of anyone other than debtor claiming an interest:	None	
<b>c. Cause of Action –</b>  <b>Mark Christopher Tracy</b>  <b>v.</b>  <b>Vail Resorts Inc. dba Park City Mountain Resort</b>  <b>Case No. 2:21 cv 00250</b>		\$100
Name & address of anyone other than debtor claiming an interest:	None	
<b>d. Cause of Action –</b>  <b>MARK CHRISTOPHER TRACY, DBA EMIGRATION CANYON HOME OWNERS ASSOCIATION,</b>  <b>Petitioner,</b>		\$100

Description	Location	Estimated value
<p>vs.</p> <p><b>SIMPLIFI COMPANY, a Utah Corporation, ERIC HAWKES, an individual, and JENNIFER HAWKES, an individual</b></p> <p><b>Respondents.</b></p> <p><b>Case No. 200905123</b></p> <p><b>And all pending appeals including:</b></p> <p><b>Appellate Case No. 20200705-CA.</b></p>		
<p>Name &amp; address of anyone other than debtor claiming an interest:</p>	None	
<p>e. Cause of Action –</p> <p>All pending appeals from:</p> <p><b>MARK CHRISTOPHER TRACY, DBA EMIGRATION CANYON HOME OWNERS ASSOCIATION,</b></p> <p><b>Petitioner,</b></p> <p>vs.</p> <p><b>SIMPLIFI COMPANY, a Utah Corporation, ERIC HAWKES, an individual, and JENNIFER HAWKES, an individual</b></p> <p><b>Respondents.</b></p> <p><b>Case No. 200905074</b></p> <p><b>Including, but not limited to:</b></p> <p><b>Appellate Case No. 20210227-CA</b></p>		\$100
<p>Name &amp; address of anyone other than debtor claiming an interest:</p>	None	

6. I request that the Writ of Execution direct the sheriff to seize and sell the debtor's following **real property** (real estate).

Property description or address	Estimated value	Name and address of anyone other than debtor claiming an interest

<b>Water Right 57-8947 (a16183)</b>	\$ 100	None
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**Plaintiff/Petitioner or Defendant/Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

7/9/2021  
Date

Signature ► /s/ Jeremy R. Cook  
Printed Name Jeremy R. Cook, Esq.



**Certificate of Service**

I certify that I filed with the court and am serving a copy of this Application for Writ of Execution on the following people by US Mail and Email to the addresses below:

Mark Christopher Tracy  
dba Emigration Canyon Home Owners Association  
1160 E. Buchnell Dr.  
Sandy, Utah 84094  
m.tracy@echo-association.com  
MARK.TRACY72@gmail.com

7/9/2021  
Date

Signature ► /s/ Jeremy R. Cook

Printed Name Jeremy R. Cook, Esq.

**E X H I B I T**  
**B**

The Order of the Court is stated below:

Dated: July 09, 2021  
03:26:34 PM

/s/ KATHERINE CARLSON  
District Court Clerk



Jeremy R. Cook, Esq (10325)  
COHNE KINGHORN, P.C.  
111 East Broadway 11<sup>th</sup> Floor  
Salt Lake City, UT 84111  
Telephone: (801) 363-4300  
Email: [jcook@ck.law](mailto:jcook@ck.law)  
Attorney for Respondents

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Third Judicial District Salt Lake County

Court Address: 450 S. State Street, Salt Lake City, Utah 84111

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MARK CHRISTOPHER TRACY, DBA  
EMIGRATION CANYON HOME OWNERS  
ASSOCIATION,

Petitioner,

vs.

SIMPLIFI COMPANY, a Utah Corporation,  
ERIC HAWKES, an individual, and JENNIFER  
HAWKES, an individual,

Respondents.

**Writ of Execution**

Case Number: 200905074

Judge: Kouris

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To the Sheriff of Salt Lake County:

1. A judgment has been entered against the judgment debtor. After calculation of interest, costs and payments, the judgment debtor owes \$ 9,215.00.
2. You are directed to seize and sell enough of the judgment debtor's non-exempt property described in paragraphs 5 and 6 of the Application for Writ of Execution to satisfy that amount.

3. In accordance with URCP Rule 64(a)(10), you are directed to serve this Writ and all attachments on the plaintiff and judgment debtor **Mark Christopher Tracy, dba Emigration Canyon Home Owners Association** in accordance with URCP Rule 5(b)(3), and serve this Writ and all attachments on potential interested party **Price Parkinson & Kerr, PLLC** in accordance with URCP Rule (4)(d).
4. You are to return this Writ within 10 days after receiving it, with a signed account of your actions in executing this Writ.

**\*\*\* EXECUTED AND ENTERED BY THE COURT AS INDICATED BY THE STAMP  
AND SEAL AT THE TOP OF THIS DOCUMENT \*\*\***



\*\*SALT LAKE COUNTY SHERIFF'S OFFICE\*\* CIVIL PROCESS UNIT\*\*  
3365 SOUTH 900 WEST\*\*SALT LAKE CITY, UTAH 84119\*\*Office: (385) 468-9758\*\*FAX (385) 468-9736



# RETURN OF SERVICE

STATE OF UTAH }  
COUNTY OF SALT LAKE } s.s. SHERIFF'S OFFICE

- Original
- Amended
- Duplicate

1) SERVED Price Parkinson & Kerr  Defendant  Plaintiff  
 Witness  Garnishee (3rd Party)  Defendant  Plaintiff  Other

2) DATE RECEIVED 7-25-2021 3) DATE SERVED 7-28-2021

4) PROCESS:  Summons  Complaint  Criminal Summons  Complaint for Forfeiture  Pretrial Protective Order  
 Verified Complaint  Order to Show Cause  Supplemental Order  Small Claims - Order & Affidavit  
 Order  Garnishment  Notice  Subpoena  Affidavit  Motion  Petition  Decree  
 Notice of Hearing  Information  Acceptance of Service  Statement  Certificate  Exhibits  
 Declaration  NAA  GRAMA Request  Verified Petition  
 Other Application / Request for hearing

5) TYPE OF SERVICE  Personal  Left at residence with \_\_\_\_\_  
 \_\_\_\_\_ (Name and Relationship)  
 \_\_\_\_\_ at usual place of abode with a person of suitable age and discretion there residing.  
 Posted  Company or Corporation Jason Kerr Attorney  
 \_\_\_\_\_ (Name and Title)  
 Other \_\_\_\_\_

6) LOCATION OF SERVICE 5742 W Harold Graddy Dr. #101  Home  Business  
 Other \_\_\_\_\_ (Specify: Jail, Hospital, etc.)

7)  I further certify that at the time of service, on the copy served, that I endorsed the date, signed my name and official title thereto.  
 8)  I tendered a fee of \$ \_\_\_\_\_ and took receipt which is hereto attached.

ROSIE RIVERA, Sheriff of Salt Lake County, State of Utah

DOCKET # 21-6729  
 PROCESSED BY: CR  
 SHERIFF'S FEES: 20.00  
 Service: \$ \_\_\_\_\_  
 Mileage: \$ 90.00  
 Total: \$ 100.00

I Certify that the forgoing is true and correct and that this Certificate is executed on (date) 7-28-2021

By [Signature]  
 (Police Officer / Deputy Sheriff)

**E X H I B I T**  
**C**

## CERTIFICATE OF SALE EXECUTION-PERSONAL PROPERTY

MARK CHRISTOPHER TRACY, DBA  
EMIGRATION CANYON HOME OWNERS  
ASSOCIATION

Petitioner

SIMPLIFI COMPANY, a Utah Corporation,  
ERIC HAWKES, an individual, and JENNIFER  
HAWKES, an individual,

Respondents

Judgment Rendered  
February 24, 2021  
Execution Issued  
July 9, 2021  
Property Sold  
November 4, 2021  
Civil No. 200905074

I do hereby certify that under and by virtue of an Execution issued out of the District Court, Salt Lake County, State of Utah, in a certain action lately pending in said Court at the suit of Mark Christopher Tracy, DBA Emigration Canton Home Owners Association, Plaintiff, against SIMPLIFI COMPANY, a Utah Corporation, ERIC HAWKES, an individual, and JENNIFER HAWKES, an individual, Defendants, attested on the 24<sup>th</sup> of February 2021, by which I was commanded to make the sum of \$9,215.00, with interest, costs, Sheriff's fees, and payments made amounting in all to the sum of \$9,623.86, to satisfy judgment in said action, out of the personal property of said Petitioner, if sufficient personal property could be found, all as more fully appears by the said Writ, reference thereto being hereby made.

All right, title, and interest which the debtor had in and to such property on the day the execution or attachment was levied, and any right, title, and interest since acquired, is transferred to the purchaser.

I have caused on the 4<sup>th</sup> of November 2021, at Noon, of said day at 450 S State Street Salt Lake County, Utah, duly sold at public auction, according to law, and after due and legal notice, to Simplifi Company, Eric Hawkes and Jennifer Hawkes for the sum of \$4,000.00, Credit bid, which was the highest bid made and the whole price paid for all the right, title, claim and interest, owned by said Plaintiff, to said property described as follows, to-wit:

a. Cause of Action-

Appeal in the Tenth Circuit Court of Appeals for the following matter:

UNITED STATE OF AMERICA

Ex. Rel. Mark Christopher Tracy

Plaintiff,

EMIGRATION IMPROVEMENT DISTRICT, a Utah Special Service District; et al.  
Tenth Circuit Case No. 21-4059

b. Cause of Action-

EMIGRATION CANYON HOME OWNERS ASSOCIATION, a Utah Corporation,  
Petitioner,

vs.

KENT L JONES, Division Director of the Utah State Division of Water Rights, and  
EMIGRATION IMPROVEMENT DISTRICT, a special service district of the state of  
Utah,  
Respondents.

Case No. 190901675

And all pending appeals including:  
Appellate Case No. 20200295-CA

c. Cause of Action-

Mark Christopher Tracy

v.

Vail Resorts Inc. dba Park City Mountain Resort  
Case No. 2:21 cv 00250

d. Cause of Action-

MARK CHRISTOPHER TRACY, DBA EMIGRATION CANYON HOME OWNERS  
ASSOCIATION,  
Petitioner,

vs.

SIMPLIFI COMPANY, a Utah Corporation, ERIC HAWKES, an individual, and  
JENNIFER HAWKES, an Individual  
Respondents.

Case No. 200905123

And all pending appeals including:  
Appellate Case No. 20200705-CA



e. Cause of Action-  
All pending appeals from:

MARK CHRISTOPHER TRACY, DBA EMIGRATION CANYON HOME OWNERS  
ASSOCIATION,  
Petitioner,

vs.

SIMPLIFI COMPANY, a Utah Corporation, ERIC HAWKES, an individual, and  
JENNIFER HAWKES, an individual  
Respondents.

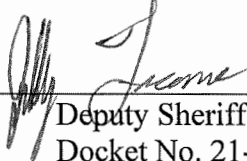
Case No. 200905074

Including, but not limited to:

Appellate Case No. 20210227-CA

DATED at Salt Lake City, Utah, November 10, 2021

**ROSIE RIVERA**, Sheriff of Salt Lake County, State of Utah

By  \_\_\_\_\_  
Deputy Sheriff  
Docket No. 21-8752

