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IN THE UTAH COURT OF APPEALS

EMIGRATION CANYON HOME OWNERS
ASSOCIATION, a Utah Corporation,

Appellant

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,

Appellees

**RESPONSE TO SUA SPONTE MOTION
FOR SUMMARY DISPOSITION**

Appellate Case No. 20200295-CA

Appellee Emigration Improvement District (“**EID**”), through counsel, respectfully submits this response to the Court’s *Sua Sponte Motion for Summary Disposition*.

The appeal is clearly not timely. Rule 4(a) of the Utah Rules of Appellate Procedure states in part: “In a case in which an appeal is permitted as a matter of right from the trial court to the appellate court, the notice of appeal required by Rule 3 shall be filed with the clerk of the trial court within 30 days after the date of entry of the judgment or order appealed from.” The order being appealed from is the *Decision and Order* dated August 29, 2019. The Notice of Appeal was filed on January 24, 2020, or approximately 115 days after the deadline to file.

In addition, the Notice of Appeal was not filed by Christensen and Jensen, but was instead filed *pro se* by the Emigration Canyon Homeowners Association and signed by Mark Christopher Tracy, who is not a licensed attorney in the state of Utah. In response, on March 6, 2020, Christensen and Jensen withdrew as counsel for Petitioner. The Emigration Canyon Homeowners' Association cannot represent itself *pro se* in the matter, and accordingly the appeal must be dismissed.

In summary, the appeal is clearly untimely and should be dismissed by the Court.

DATED this 11th day of May 2020.

COHNE KINGHORN

/s/ Jeremy R. Cook _____

Jeremy R. Cook

ATTORNEYS FOR RESPONDENT

Emigration Improvement District

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2020, a true and correct copy of the foregoing
RESPONSE TO SUA SPONTE MOTION FOR SUMMARY DISPOSITION was sent by
electronic mail to the following:

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/s/ Janelle L. Dannenmueller

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