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Proposed Pro Se Co-Petitioner

**IN THE THIRD DISTRICT COURT
IN AND FOR THE STATE OF UTAH**

<p>STEVE J. ONYSKO</p> <p>Petitioner,</p> <p>vs.</p> <p>PATRICIA SMITH-MANSFIELD, et al.</p> <p>Respondents.</p>	<p>MOTION FOR LEAVE TO JOIN THIRD PARTY AS CO-PETITIONER</p> <p>Case No.: 200907218</p> <p>Judge: Adam T. Mow</p>
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Pursuant to Rule 20 of the Utah Rules of Civil Procedure (“URCP”), proposed petitioner Mark Christopher Tracy (“Mr. Tracy”) dba Emigration Canyon Home Owners Association (“The ECHO-Association”) hereby moves to join petitioner Steve J. Onysko (“Onysko”) as co-petitioner on the grounds that rights to relief arise out of the same series of transactions or occurrences and common questions of law.

A. INTRODUCTION AND FACUTAL SUMMARY

The instant action centers on the de facto denied request for access to government records retained by the Utah Department of Environmental Quality (“DEQ”) regarding lead contamination of public drinking-water system no. 18143 owned by Emigration Improvement District (“EID” aka Emigration Canyon Improvement District aka ECID) and operated by the private Utah corporation Simplifi Company through Emigration Canyon Deputy Mayor Jennifer Hawkes

(“Deputy Mayor Hawkes”) and her spouse Eric Hawkes (“Mr. Hawkes”)(“Simplifi Respondents”).

Specifically, in response to a request for government records under the Utah Government Records and Management Act (“GRAMA”) filed by Onysko on November 4, 2019, DEQ through Utah Division of Drinking Water director Marie Owens (“Director Owens”) denied access to laboratory test results of lead contamination of water system no. 18143 required to be reported to DEQ under Utah Administrative Code R309-210-6(1)(h) but rather provided Onysko spreadsheets of data results thereby leading to Onysko’s petition for de novo judicial review.

In parallel proceedings against EID and Simplifi Respondents,¹ Mr. Tracy secured the laboratory tests requested by Onysko indicating that Director Owens had not only withheld government records but had misrepresented data results of lead contamination of water system no. 18143.

Rather than commence additional legal action against DEQ and/or Director Owens and further tax judicial resources during the COVID-19 pandemic, Mr. Tracy requests joinder in the present litigation.

B. GROUNDS FOR REQUESTED RELIEF

Such joinder is appropriate because the claims against the defendants:

- Arise out of the same series of occurrences and transactions – *i.e.*, the de facto refusal to provide access to government documents related to lead contamination of public drinking water system no 18143;

¹ Litigation against Simplifi Respondents regarding willful refusal to disclose government records of lead-contamination maintained at the private residence of Deputy Mayor Hawkes and Mr. Hawkes is current pending with the Utah Court of Appeals. *See Mark Christopher Tracy dba Emigration Canyon Home Owners Association v. Simplifi Company, Jennifer Hawkes and Eric Hawkes* (UT App) Docket No. 20200295-CA (pending).

- Require the adjudication of common questions of fact and law – *i.e.*, whether defendant’s conduct violates state law.

Finally, because joinder of the proposed Co-Petitioner will not deprive the court of jurisdiction in the pending matter, joinder is warranted under Rule 20 URCP.

C. CONCLUSION

Based upon the foregoing, Mr. Tracy respectfully requests the Court grant this Motion and join Mr. Tracy with Onysko as co-petitioner, and grant other and further relief as the Court may find just and proper.

DATED this 4th day of June, 2021.

MARK CHRISTOPHER TRACY dba
EMIGRATION CANYON HOME OWNERS
ASSOCIATION

/s/ Mark Christopher Tracy
Mark Christopher Tracy
Proposed Pro se Co-Petitione

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of June, 2021, a true and correct copy of the foregoing **MOTION FOR LEAVE TO JOIN THIRD PARTY AS CO-PETITIONER** was sent via electronic mail to the following counsel of record:

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