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7 Pro Se Plaintiff

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF SANTA CLARA**

10 **UNLIMITED JURISDICTION**

11 MARK CHRISTOPHER TRACY, an individual;  
12 Plaintiff,

13 v.

14 COHNE KINGHORN PC, a Utah Professional  
15 Corporation; SIMPLIFI COMPANY, a Utah  
16 Corporation; JEREMY RAND COOK, an  
17 individual; ERIC HAWKES, an individual;  
18 JENNIFER HAWKES, an individual; MICHAEL  
19 SCOTT HUGHES, an individual; DAVID  
20 BRADFORD, an individual; KEM CROSBY  
21 GARDNER, an individual; WALTER J.  
PLUMB III, an individual; DAVID BENNION, an  
individual; R. STEVE CREAMER, an individual  
PAUL HANDY BROWN, an individual; and  
GARY BOWEN an individual,

22 Defendants.

Case No.: 23CV423435

Honorable Evette D. Pennypacker  
[Dept. 6]

**NOTICE OF TAKING OF DEPOSITION  
OF DEFENDANT PAUL HANDY BROWN  
AND REQUEST FOR PRODUCTION OF  
DOCUMENTS**

Date of Deposition: February 15, 2024

Time: 09:00 am (MST)

Place: 350 E. 400 S. Rm. 2A

Salt Lake City, Utah 84111

Action Filed: September 21, 2023

Trial Date: TBD

23  
24 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

25 PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure §2026.010 in  
26 connection with §§2025.010 – 2025.280, Plaintiff will take the deposition of Defendant Paul Handy  
27 Brown on February 15, 2024, at 09:00 am (MST) located at 350 S. 400 S., Rm. 2A, Salt Lake City, Utah  
28 84111, in the above-entitled matter. If the deposition is not completed on the date set out above, the

1 taking of the deposition will continue from day to day, excluding weekends and legal holidays, thereafter  
2 until completed.

3 This deposition will be taken upon oral examination before any notary public or other officer duly  
4 authorized to administer oaths by the laws of the United States or those of the place where the  
5 examination is to be held by stenographic method. Plaintiff reserves the right to record the deposition  
6 testimony by videotape for use at trial, pursuant to California Code of Civil Procedure §2025.220(a)(6).  
7 If the services of an interpreter are needed, please notify the undersigned immediately.

8 NOTICE IS FURTHER GIVEN that, pursuant to California Code of Civil Procedure  
9 §§2025.220(a)(4) and 2025.280(a) and (c), DEFENDANT is required to produce the documents, records  
10 and other materials described below, which are in his possession, or under the custody or control of any  
11 of his agents, representatives, and/or attorneys on or before the date and time set forth for his deposition.

12 The documents to be produced by DEFENDANT are as follows:

13 **DEFINITIONS**

14 A. "PERSON(S)" includes any natural person, firm, association, organization, partnership,  
15 business, trust, corporation, governmental or public entity or any other form of legal entity.

16 B. "DOCUMENT" or "DOCUMENTS" shall mean all documents, electronically stored  
17 information, and tangible things, including without limitation all writings (as defined in Section 250 of  
18 the California Evidence Code) and all other means of recording information, whether written,  
19 transcribed, taped, filmed, microfilmed, or in any other way produced, reproduced, or recorded, and  
20 including but not limited to: originals, drafts, computer-sorted and computer-retrievable information,  
21 copies and duplicates that are marked with any notation or annotation or otherwise differ in any way  
22 from the original, correspondence, memoranda, reports, notes, minutes, contracts, agreements, books,  
23 records, checks, vouchers, invoices, purchase orders, ledgers, diaries, logs, calendars, computer  
24 printouts, computer disks, card files, lists of persons attending meetings or conferences, sketches,  
25 diagrams, calculations, evaluations, analyses, directions, work papers, press clippings, sworn or unsworn  
26 statements, requisitions, manuals or guidelines, audit work papers, financial analyses, tables of  
27 organizations, charts, graphs, indices, advertisements and promotional materials, audited and unaudited  
28 financial statements, trade letters, trade publications, newspapers and newsletters, photographs, emails,

1 electronic or mechanical records, facsimiles, telegrams and teletypes, and audiotapes. Each draft,  
2 annotated, or otherwise non-identical copy is a separate DOCUMENT within the meaning of this term.  
3 DOCUMENTS shall also include any removable sticky notes, flags, or other attachments affixed to any  
4 of the foregoing, as well as the files, folder tabs, and labels appended to or containing any documents.  
5 DOCUMENTS expressly include all ELECTRONIC RECORDS.

6 C. "COMMUNICATION(S)" means any oral, written or electronic transmission of  
7 information, including but not limited to meetings, discussions, conversations, telephone calls,  
8 telegrams, memoranda, letters, teletypes, telexes, conferences, messages, notes or seminars.

9 D. "RELATING TO," "RELATED TO" or "RELATE(S) TO" means constituting,  
10 containing, concerning, embodying, reflecting, identifying, stating, mentioning, discussing, describing,  
11 evidencing, or in any other way being relevant to that given subject matter.

12 E. "PLAINTIFF" shall mean PLAINTIFF Mark Christopher Tracy.

13 F. "DEFENDANT," "YOU" and "YOUR" shall mean Defendant Paul Handy Brown.

14 G. "SUBJECT INCIDENT" means and refers to the incident as described in Plaintiff's  
15 Complaint upon which this suit is founded.

16 H. "DEFENDANTS" shall mean all named Defendants to the present action.

17 **REQUEST FOR PRODUCTION**

18 **REQUEST FOR PRODUCTION NO. 1:**

19 All DOCUMENTS and COMMUNICATIONS concerning or RELATED TO federal False  
20 Claims Act litigation and water rights identified in the SUBJECT INCIDENT sent from or received by  
21 DEFENDANT including but not limited to the email addresses "[paulhandybrown@gmail.com](mailto:paulhandybrown@gmail.com)" and  
22 "[paul.h.brown@verizon.net](mailto:paul.h.brown@verizon.net)" and "[eopoapresident@gmail.com](mailto:eopoapresident@gmail.com)."

23 **REQUEST FOR PRODUCTION NO. 2:**

24 A copy of YOUR phone records, including times and dates of text messages sent to Defendants  
25 including managers, consultants, and/or independent contractors of Emigration Improvement District  
26 (aka Emigration Canyon Improvement District)(hereafter "EID"), the Mount Olivet Cemetery  
27 Association (hereafter "Mt. Olivet"), the Pioneer Fork Owners Association (hereafter "PFOA"), and the  
28 Emigration Oaks Property Owners Association, Inc. (hereafter "EOPOA").

1 **REQUEST FOR PRODUCTION NO. 3:**

2 A copy of YOUR state-issued licenses including documents prepared by religious organizations  
3 including but not limited to The Church of Jesus Christ of Latter-day Saints (aka Mormon Church)  
4 recording YOUR place of residency, membership, functions, and responsibilities.

5 **REQUEST FOR PRODUCTION NO. 4:**

6 All DOCUMENTS and COMMUNICATIONS related to culinary drinking water service and/or  
7 contamination thereof sent to or received from persons including but not limited to managers,  
8 consultants, and/or independent contractors of EID.

9 **REQUEST FOR PRODUCTION NO. 5:**

10 All DOCUMENTS and COMMUNICATIONS related to the observance, documentation, repair  
11 and/or restoration of fissures, ground erosion and subsidence in Emigration Canyon including but not  
12 limited to Defendants and managers, consultants, and/or independent contractors of EID.

13 **REQUEST FOR PRODUCTION NO. 6:**

14 All DOCUMENTS and COMMUNICATIONS received from or transmitted to Defendants by  
15 YOU including EID general manager Fred Smolka of Management Enterprises Inc., Mt. Olivet, and  
16 PFOA.

17 **REQUEST FOR PRODUCTION NO. 7:**

18 All DOCUMENTS and COMMUNICATIONS related to payment of monies to or from accounts  
19 drawn to or from Defendants including EID by YOU.

20 **REQUEST FOR PRODUCTION NO. 8:**

21 All DOCUMENTS and COMMUNICATIONS related to the demand for payment to or from  
22 Defendants including EID from YOU.

23 **REQUEST FOR PRODUCTION NO. 9:**

24 All DOCUMENTS and COMMUNICATIONS related to the access and/or development of  
25 properties in Emigration Canyon located in Salt Lake County, Utah sent to or received from persons  
26 including but not limited to Defendant R. Steve Creamer, and members of the PFOA, and EOPOA.

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1 **REQUEST FOR PRODUCTION NO. 10:**

2 All DOCUMENTS and COMMUNICATIONS sent to or received from property owners and  
3 residents of the EOPOA, and PFOA, including but not limited to meeting minutes, audio recordings and  
4 resolutions during your tenure as a board member of the same.

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7 DATED: January 19, 2024

By: 

Mark Christopher Tracy  
Pro Se Plaintiff

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