

Jeremy R. Cook (10325)
Cohne Kinghorn, P.C.
111 E. Broadway, Suite 1100
Salt Lake City, UT 84111
Telephone: (801) 363-4300
Facsimile: (801) 363-4378
Email: jcook@ck.law

Attorneys for Simplifi Company, Jennifer Hawkes, and Eric Hawkes

IN THE UTAH COURT OF APPEALS

MARK CHRISTOPHER TRACY, d/b/a
Emigration Canyon Home Owners
Association,

Plaintiff and Petitioner,
vs.

SIMPLIFI COMPANY; JENNIFER
HAWKES; and ERIC HAWKES,

Defendants and Respondents.

**WRITTEN RESPONSE REGARDING
ORDER AND MOTION FOR
SUMMARY DISPOSITION**

Appellate Case No.: 20210227 CA

District Court Case No. 200905074

Respondents Simplifi Company, Jennifer Hawkes and Eric Hawkes

(“**Respondents**”) hereby provide the following response to the Court’s *Order and Motion for Summary Disposition*.

ARGUMENT

I. The District Court’s Order Should be Summarily Affirmed.

As noted by the Court, there are no substantial issue for review warranting further proceedings. Specifically, the Court’s decision in *Tracy v. Simplifi Co.*, Case No.

20200705, involved the exact same issues and procedural posture and this matter, and the Utah Supreme Court denied certiorari in that matter.

In addition, to the extent that Petitioner argues that this appeal should also include his purported appeal from Judge Kouris' order deeming him a vexatious litigant, Petitioner has already appealed that issue to this Court through his *Petition for Writ of Extraordinary Relief from Amended Judgment*, and Petitioner has a pending writ of certiorari appealing this Court's denial of his *Petition for Writ of Extraordinary Relief*. See *Supreme Court Case No. 20210891-SC*. Mr. Tracy is not entitled to have multiple appeals of the same issue, particularly since Mr. Tracy has been deemed a vexatious litigant, and Respondents were already required to respond to two motions for emergency relief filed with this Court that related to the vexatious litigant order.

CONCLUSION

In summary, the district court's decision should be summarily affirmed.

DATED this 10th day of January 2022.

COHNE KINGHORN

/s/ Jeremy R. Cook _____

Jeremy R. Cook

Attorneys for Simplfi Company, Jennifer Hawkes, and Eric Hawkes

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of January 2022, a true and correct copy of the foregoing document was served by email to the following:

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

/s/ Jeremy Cook