

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH,
NORTHERN DIVISION

Markie Transue v. Davis County and Arnold Butcher

Transue · No. 1:24-cv-00120 · Decided April 14, 2026

SUMMARY

The court grants Markie Transue’s motion to compel Davis County and Arnold Butcher to produce documents underlying summary charts concerning sexual-harassment and gender-based-misconduct complaints. The court finds the requested materials relevant and proportional to the needs of the case, but denies attorneys’ fees because the defendants’ position was substantially justified.

CASE DETAILS

COURT	United States District Court for the District of Utah, Northern Division
WRITING FOR THE COURT	Daphne A. Oberg
JURISDICTION	United States District Court for the District of Utah, Northern Division
DECIDED	April 14, 2026
DOCKET	1:24-cv-00120
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to compel defendants to produce documents underlying summary charts concerning other sexual-harassment and gender-based-misconduct complaints and requested attorney's fees. The district court granted the motion to compel but denied the fee request.
PRECEDENTIAL VALUE	Unknown; memorandum decision and order from a federal district court.
PARTIES	Markie Transue v. Davis County, a political subdivision of the State of Utah, Arnold Butcher

TOPICS

- discovery dispute
- civil procedure
- sexual harassment
- employment discrimination
- section 1983

PRACTICE AREAS

- civil procedure
- employment discrimination
- civil rights
- discovery

QUESTIONS PRESENTED

1. Whether documents concerning defendants' handling and investigation of other sexual-harassment and gender-based-misconduct complaints were relevant and proportional to the needs of the case under Federal Rule of Civil Procedure 26(b)(1).
2. Whether defendants could satisfy document requests by producing summary charts and witness testimony instead of the underlying responsive documents.
3. Whether Transue was entitled to attorney's fees under Federal Rule of Civil Procedure 37(a)(5)(A) after prevailing on the motion to compel.

HOLDINGS

1. Documents relating to defendants' handling and investigation of other sexual-harassment and gender-based-misconduct complaints were relevant to Transue's claims and proportional to the needs of the case.
2. Defendants could not create summary charts or rely on witness testimony as a substitute for producing documents responsive to Transue's document requests.
3. Attorney's fees were denied because defendants' position was substantially justified insofar as they made a colorable argument concerning burden.

KEY QUOTATIONS

“The defendants cannot simply create summarizing charts in response to her interrogatories while withholding documents responsive to her document requests.”

“And witness testimony about the complaints is not a sufficient substitute for production.”

FACTUAL BACKGROUND

Transue alleges that defendants handled her sexual-harassment complaints differently from complaints made by male employees. In discovery, she requested information and documents concerning other sexual-harassment or gender-based-misconduct complaints, including investigation materials and documents underlying defendants' summary charts. Defendants provided summary charts and testimony but withheld the underlying materials, asserting irrelevance, privacy concerns, burden, and disproportionality.

PROCEDURAL HISTORY

Transue brought a civil-rights action alleging that Davis County and Arnold Butcher discriminated against her during her county employment, including by mishandling her sexual-harassment complaints. During discovery, defendants produced summary charts and testimony but did not produce the underlying complaint and investigation materials. The court granted Transue's motion to compel production and denied attorney's fees because defendants' position was substantially justified as to burden.

DISPOSITION

other

CASES CITED

- Pierce v. Underwood, 487 U.S. 552, 565 (1988)

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