

SUPREME COURT OF UTAH

Endow v. UTA

2015 UT 0 (2015) · No. 20140024-SC · Decided July 17, 2015

SUMMARY

The Utah Supreme Court revokes its acceptance of a certified question concerning whether the Utah Antidiscrimination Act provides for individual liability. The court identifies substantial uncertainty regarding the federal district court’s jurisdiction over the plaintiff’s UADA claims, including potential statutory-bar and administrative-exhaustion issues. Because an opinion could be advisory, the court concludes that answering the certified question would be an improper exercise of judicial power.

CASE DETAILS

COURT	Supreme Court of Utah
JURISDICTION	Utah
DECIDED	July 17, 2015
DOCKET	20140024-SC
DISPOSITION	other
PROCEDURAL POSTURE	The United States District Court for the District of Utah certified to the Utah Supreme Court the question whether the Utah Antidiscrimination Act provides for individual liability.
PRECEDENTIAL VALUE	published
PARTIES	Traci Endow v. Utah Transit Authority, Richard Castleberry, Frank Cosens, Brett Demille

TOPICS

- appellate jurisdiction
- subject matter jurisdiction
- exhaustion of remedies
- administrative law
- appellate procedure

PRACTICE AREAS

- appellate procedure
- administrative law
- employment law
- civil procedure

QUESTIONS PRESENTED

1. Whether the Utah Supreme Court should answer the certified question regarding individual liability under the Utah Antidiscrimination Act when unresolved jurisdictional issues might deprive the federal district court of subject matter jurisdiction over the UADA claims.
2. Whether issuing an answer to a certified question that may not resolve a live federal case would constitute an improper advisory opinion.

HOLDINGS

1. The Utah Supreme Court revoked its acceptance of the certified question as improvident because unresolved questions concerning the federal district court's jurisdiction created a substantial possibility that an answer would be advisory.

KEY QUOTATIONS

“Accordingly, we revoke our acceptance of the certified question as improvident.”

“Our function . . . is not to issue abstract, advisory opinions It is to resolve disputed questions of state law in a context and manner useful to the resolution of a pending federal case.”

FACTUAL BACKGROUND

Endow asserted claims under the Utah Antidiscrimination Act against the Utah Transit Authority and individual defendants in federal district court. The federal district court certified to the Utah Supreme Court the question whether the Act permits individual liability. The Utah Supreme Court identified unresolved questions concerning the federal court's jurisdiction, including whether Endow's federal claims barred continuation of her UADA claims and whether she exhausted administrative remedies as to the individual defendants.

PROCEDURAL HISTORY

The Utah Supreme Court initially accepted the certified question. Before answering it, the court considered whether the federal district court had subject matter jurisdiction over Endow's Utah Antidiscrimination Act claims. Because unresolved jurisdictional issues created a substantial risk that any answer would be advisory, the court revoked its acceptance of the certified question as improvident.

DISPOSITION

other

CASES CITED

- Blauer v. Department of Workforce Services, 2014 UT App 100, ¶ 12, 331 P.3d 1
- McNeil v. Kennecott Utah Copper Co., No. 2:08CV41DAK, 2009 WL 2554726, at *5-*6 (D. Utah Aug. 18, 2009), aff'd sub nom. McNeil v. Kennecott Holdings, 381 F. App'x 791 (10th Cir. 2010)
- Zions Management Services v. Record, 2013 UT 36, ¶ 24, 305 P.3d 1062
- Buckner v. Kennard, 2004 UT 78, ¶ 37, 99 P.3d 842
- Harvath v. Savage Manufacturing, Inc., 18 F. Supp. 2d 1296, 1305 (D. Utah 1998)

- **Fundamentalist Church of Jesus Christ of Latter-Day Saints v. Horne**, 2012 UT 66, ¶¶ 7-8, 289 P.3d 502

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