

SUPREME COURT OF THE STATE OF UTAH

Zonts v. Pleasant Grove City

2017 UT 71 (2017) · No. 20170651 · Decided October 10, 2017

SUMMARY

The Utah Supreme Court denied a petition for extraordinary relief challenging the ballot title for a Pleasant Grove City initiative. The court held that the petitioners failed to demonstrate under Utah Rule of Appellate Procedure 19 that they lacked a plain, speedy, and adequate remedy in the district court. The court also noted that factual disputes and inadequate supporting documentation further impeded direct appellate review.

CASE DETAILS

COURT	Supreme Court of the State of Utah
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Utah
DECIDED	October 10, 2017
DOCKET	20170651
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petitioners sought extraordinary relief from the Utah Supreme Court challenging the final ballot title prepared by the Pleasant Grove City Attorney for a municipal initiative.
STANDARD OF REVIEW	A petition for extraordinary relief under Utah Rule of Appellate Procedure 19 requires petitioners to demonstrate that they lacked a plain, speedy, and adequate remedy in district court. The appellate court ordinarily will grant relief without a prior factual record only when the allegations are supported by affidavit or other reliable documentation, and it is reluctant to resolve disputed facts in the first instance.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Jacob Zonts, Dean Hale, Karl Kuhni, Nathan Stoker, Blaine Thatcher, Wendy Morgan v. Pleasant Grove City

TOPICS

writ of certiorari

appellate procedure

ballot access

election law

municipal law

PRACTICE AREAS

appellate procedure

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municipal law

civil procedure

QUESTIONS PRESENTED

1. Whether petitioners satisfied Utah Rule of Appellate Procedure 19 by demonstrating that they lacked a plain, speedy, and adequate remedy in district court.
2. Whether Utah Code section 20A-7-508(6)(a) authorizes an appeal of right directly to the Utah Supreme Court from a local attorney's ballot-title decision.
3. Whether the court could resolve petitioners' ballot-title challenges in the extraordinary-relief proceeding despite disputed factual assumptions and the absence of an adequately developed record.

HOLDINGS

1. Petitioners failed to satisfy their burden of demonstrating that they had no plain, speedy, and adequate remedy other than filing directly in the Utah Supreme Court.
2. The statutory reference to an appeal does not create an appeal of right under Utah Rules of Appellate Procedure 3 and 4. A challenge to the local attorney's ballot-title decision must proceed through a petition for extraordinary relief under Utah Rule of Civil Procedure 65B or, when district court relief is not plain, speedy, and adequate, under Utah Rule of Appellate Procedure 19.
3. The court declined to resolve petitioners' ballot-title challenges because the petition presented disputed factual assumptions without adequate evidentiary support and lacked a record developed in district court.

KEY QUOTATIONS

“Thus, the use of the term “appeal” in the statute could be misleading insofar as a prospective challenger of the local attorney’s decision views it as implying an entitlement to an appeal of right invoked under rules 3 and 4 of the Utah Rules of Appellate Procedure.” (¶ 3)

“We emphasize, as we have in the past, that district courts are better equipped to resolve factual questions and that starting in the district court allows parties to create the record that enables this court to conduct a more meaningful review.” (¶ 4)

FACTUAL BACKGROUND

Sponsors obtained sufficient signatures to place an initiative on the November 2017 Pleasant Grove municipal election ballot. After the Utah County Clerk verified the signatures, the Pleasant Grove City Attorney prepared a proposed and then final ballot title, but the sponsors were dissatisfied with aspects of the final title. The sponsors sought direct extraordinary relief in the Utah Supreme Court without adequately explaining why an expedited district court proceeding followed by appellate review would not provide a plain, speedy, and adequate remedy.

PROCEDURAL HISTORY

A sponsor initially filed a petition under Utah Code section 20A-7-508(6)(a), but the court dismissed it because the statute required a petition by at least three sponsors. Six sponsors then filed a second petition directly in the Utah Supreme Court. After ordering supplemental briefing on whether petitioners had a plain, speedy, and adequate remedy in district court under Utah Rule of Appellate Procedure 19, the court denied the petition by summary order and issued this opinion explaining its decision.

DISPOSITION

writ_denied

CASES CITED

- Anderson v. Provo City, 2016 UT 50, 387 P.3d 1014
- Brown v. Cox, 2017 UT 3, 387 P.3d 1040
- Gricius v. Cox, 2015 UT 86, 365 P.3d 1198
- Carpenter v. Riverton City, 2004 UT 68, 103 P.3d 127