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*Attorneys for Plaintiff*

**IN THE THIRD JUDICIAL DISTRICT COURT  
TOOELE COUNTY, STATE OF UTAH**

SIX MILE RANCH COMPANY, a Utah  
corporation,

Plaintiff,

vs.

SPENCER J. COX, as Lieutenant Governor  
for the State of Utah; STEVEN RYAN  
SORENSEN, an individual; DENISE  
NICHOLE MOODY-MARTIN, an  
individual; KALEM DOUGLAS SESSIONS,  
an individual; TERRY MATTHEWS, an  
individual; and KYLE MATTHEWS, an  
individual,

Defendants.

**COMPLAINT**

Judge \_\_\_\_\_

Civil No. \_\_\_\_\_

Plaintiff Six Mile Ranch Company (“Plaintiff” or “Six Mile Ranch”), by and through  
counsel, hereby complains against Defendants Spencer J. Cox, in his official capacity as the  
Lieutenant Governor for the State of Utah, Steven Ryan Sorensen, Denise Nichole Moody-

Martin, Kalem Douglas Sessions, Terry Matthews, and Kyle Matthews (collectively, the “Defendants”), and alleges as follows:

**RULE 26(c)(3) TIER 2 DESIGNATION**

This case arises under Tier 2 as described in Rule 26(c)(3) of the Utah Rules of Civil Procedure.

**PARTIES, JURISDICTION, & VENUE**

1. Plaintiff Six Mile Ranch Company is a Utah corporation with its principal place of business in Tooele County, State of Utah.
2. Defendant Spencer J. Cox is the Lieutenant Governor for the State of Utah and is being sued in his official capacity as Lieutenant Governor for the State of Utah (“Lieutenant Governor’s Office”).
3. On information and belief, Defendant Steven Ryan Sorensen (“Sorensen”) is an individual residing in Tooele County, State of Utah.
4. On information and belief, Defendant Denise Nichole Moody-Martin (“Moody-Martin”) is an individual residing in Tooele County, State of Utah.
5. On information and belief, Defendant Kalem Douglas Sessions (“Session”) is an individual residing in Tooele County, State of Utah.
6. On information and belief, Defendant Terry Matthews (“T. Matthews”) is an individual residing in Tooele County, State of Utah.
7. On information and belief, Defendant Kyle Matthews (“K. Matthews”) is an individual residing in Tooele County, State of Utah.

8. This Court has jurisdiction pursuant to Utah Code Ann. §§ 78A-5-102 and 78B-6-401.

9. Venue is proper pursuant to Utah Code Ann. § 78B-3-307.

### **GENERAL ALLEGATIONS**

10. Six Mile Ranch owns approximately 6,500 acres of land in Tooele County (the “Property”).

11. The Property is near but is not located within the Township of Erda (“Erda”), which is located in Tooele County.

### **Feasibility Study**

12. On information and belief, in or about 2019, Defendants Sorensen, Moody-Martin, Sessions, T. Matthews, and K. Matthews (collectively, the “Sponsor Defendants”) began the process under Utah Code § 10-2a-200 et seq. to have the municipal incorporation of Erda listed on election ballots for 2020.

13. To improve the chances of Erda being incorporated, Sponsor Defendants sought to include certain property in the proposed incorporated area that was not part of Erda, including the Property (the “Proposed Incorporated Area”).

14. In or about early 2019, Sponsor Defendants prepared a request for feasibility study of the Proposed Incorporated Area required by Utah Code Ann. § 10-2a-202(1)(a).

15. Section 202(1)(a) provides:

- (1) The process to incorporate a contiguous area of a county as a municipality is initiated by an individual filing a request for a feasibility study with the Office of the Lieutenant Governor that:
  - (a) is signed by the owners of private real property that:
    - (i) is located within the area proposed to be incorporated;

- (ii) covers at least 10% of the total private land area within the area; and
- (iii) is equal in value to at least 7% of the value of all private real property within the area.

16. Soon thereafter, the Lieutenant Governor's Office informed Sponsor Defendants that its request for feasibility study did not satisfy Section 202(1)(a) because the request lacked sufficient signatures of owners whose property totaled at least 10% of the total private land area within the Proposed Incorporated Area.<sup>1</sup>

17. Specifically, the Lieutenant Governor's Office informed Sponsor Defendants that Six Mile Ranch (and other property owners) needed to sign the request for a feasibility study for the feasibility study to proceed:

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<sup>1</sup> Plaintiff understands that the Lieutenant Governor's Office interprets the language of Utah Code Ann. § 10-2a-202(1)(a) as requiring signatures of property owners who, collectively, own property that (i) is located in the proposed incorporated area; (ii) covers at least 10% of the proposed incorporated area; and (iii) is equal in value to at least 7% of the value of all private real property within the area. But the language also could be read to require the signatures of each and every one of the property owners who own property that meet these three criteria. Under either reading, the signature of Six Mile Ranch was necessary because without Six Mile Ranch, 1) the collective ownership of those who signed did not meet the three criteria, and 2) the Six Mile Ranch Property, standing alone, is located in the Proposed Incorporation Area, covers at least 10% of the Proposed Incorporated Area, and is equal to at least 7% of the value of the private property in the Proposed Incorporated Area.

Kyle,

There was never a question that you got the 7% private property values. Based on the notes and emails from India it seems like you needed 1637.22 acres, and you had 617.83 acres. That means you needed 1019.39 acres. The additional signatures submitted from John Bleazard, Mark Bleazard, Judy Warr, and Cloyd Russell give you an additional 575.064 acres, but leave you 444.326 acres short. Since we haven't seen any indication at this point that Mark or John intended their signature to count for all of Six Mile Ranch, we've got to assume that their intention was to sign for the properties associated with the addresses listed on the form. If we had a signature from them that listed Six Mile Ranch as the address or intended property, you would be well above the required acreage requirement. We have sent letters and made phone calls to them but have not heard anything back.

All the best,

---

Justin Lee  
Director of Elections  
Office of the Lieutenant Governor  
State of Utah  
801.538.1129  
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### Signatures

18. Sometime in 2019, the Sponsor Defendants approached Mark Bleazard (“Mark”) and John Bleazard (“John”)—two of the three owners of Six Mile Ranch—to obtain their signatures.

19. The other owner of Six Mile Ranch is Craig Bleazard, but the Sponsor Defendants never contacted him regarding the request for feasibility study.

20. In addition to being among the joint owners of the Property, Mark and John, individually, each own separate private property in Erda.

21. When the Sponsor Defendants approached Mark and John regarding the request for feasibility study, the Sponsor Defendants conveyed the impression to Mark and John that the request for feasibility study related only to Mark and John’s personal property in Erda and did not involve Six Mile Ranch, which is not in Erda.

22. The Sponsor Defendants never showed Mark and John a map of the Proposed Incorporated Area, which included the Property, nor did they ever tell Mark and John that it was contemplated that Six Mile Ranch would be part of the Proposed Incorporated Area.

23. Mark and John were also never asked to sign the request for feasibility study on behalf of Six Mile Ranch.

24. Mark and John signed the request for feasibility on behalf of their personal property in Erda, but not on behalf of Six Mile Ranch:<sup>2</sup>

PETITION FOR INCORPORATION OF ERDA, UT  
To the honorable Lieutenant Governor:  
We, the undersigned owners of Real property within the area described in this petition, respectfully petition the lieutenant Governor to direct the county legislative body to submit to the registered voters residing within the area described in this petition, at the next regular general election, the question of whether the area should incorporate as a city. Each of the undersigned affirms that each has personally signed this petition and is an owner of real property within the described area, and that the current residence address of each is correctly written after the signer's name. the area proposed to be incorporated as a city is described as follows: ( See attached map of city boundaries).

*Owners of 'Six Mile Ranch'*

	Signature	Name	Address
1		John Bezzard	1817 E. 1300 N. Erda
2		Mark Bezzard	342 W. Clark, Grandville, MI
3			
4			
5			
6			

25. The phrase “Owners of ‘Six Mile Ranch’” shown on the signature page was not written on that page by Mark or John and did not appear on the page when they signed it.

<sup>2</sup> While this signature page is titled “Petition for Incorporation of Erda, UT”, it was actually used for the request for feasibility study. This signature page was attached the Lieutenant Governor’s Office’s April 2019 letter to Six Mile Ranch, wherein the Lieutenant Governor’s Office sought confirmation from Six Mile Ranch whether John and Mark signed the “request for a feasibility study” on behalf of the company or in their individual capacities. As further support that this signature page was part of the request for feasibility study, the incorporation petition was not assembled until 2020.

26. Craig Bleazard, the other owner of Six Mile Ranch, also never signed the request for feasibility study on behalf of Six Mile Ranch.

27. The Lieutenant Governor's Office questioned Six Mile Ranch whether John and Mark signed the request for feasibility study on behalf of Six Mile Ranch.

28. On April 19, 2019, the Lieutenant Governor's Office sent a letter to Six Mile Ranch stating:

The Lieutenant Governor's Office received a request for a feasibility study to initiate the process to incorporate Erda as a city. Two individuals (Mark Bleazard and John Bleazard) signed this request. The sponsors of this request told me these two signatures were on behalf of the property known as "Six Mile Ranch." **I am writing to confirm that Mark Bleazard and John Bleazard are authorized to sign on behalf of Six Mile Ranch.**

29. Sponsor Defendants minimized the concerns of the Lieutenant Governor's Office because they were anxious for the feasibility study to be commissioned.

30. On June 19, 2019, K. Matthews sent the following email to the Lieutenant Governor's Office: "Last I talked to [Lieutenant Governor staffer] India, I gave her phone numbers for [John and Mark] that she was needing so she could call them to see if they were allowed to sign on behalf of [Six Mile Ranch], anyway please let me know where we are at on this process, *we really need to keep this going, we are up against the clock to get this done.*" (Emphasis added).

31. On June 27, 2019, the Lieutenant Governor's Office sent an interoffice email stating, "The question India had was whether or not the individuals who signed the petition were able to sign on behalf of what appears to be property owned by a corporation. *Since it seems like that is not a problem, I think that the [P]roperty should be included.*" (Emphasis added).

32. On July 1, 2019, the Lieutenant Governor's Office sent K. Mathews the following email:

I think one outstanding question I have . . . is whether or not it was Mark's and John's intention to sign on behalf of the entire ranch or simply the properties listed on the petition. I don't have any question that they could sign on behalf of the ranch, but I am going to reach out again to them and try to get specific confirmation that that was their intention.

33. On July 10, 2019, K. Mathews, without any factual basis, sent the Lieutenant Governor's Office the following response: ***"[T]here is no doubt in my mind that [John and Mark] are signing for both their personal property as well as 6 Mile Ranch . . . we really need to get this going."*** (Emphasis added).

34. When the request for feasibility study was submitted to the Lieutenant Governor's Office, it contained the phrase "Owners of 'Six Mile Ranch'" above the signatures of John and Mark.

35. On information and belief, without authorization from John and Mark (or the other owner of Six Mile Ranch), one or more of the Defendants fraudulently modified the request for feasibility study to include the phrase "Owners of 'Six Mile Ranch'" to make it appear as if Mark and John signed on behalf of Six Mile Ranch.

36. On information and belief, one or more Defendants fraudulently modified the request for feasibility study as part of an attempt to alleviate the Lieutenant Governor's Office's concerns and to allow the feasibility study to proceed.

37. Without ever confirming whether John and Mark signed the request for feasibility study on behalf of Six Mile Ranch, the Lieutenant Governor's Office illegally commissioned a



feasibility study that included the Property (and other properties that were not authorized to be included) as part of the Proposed Incorporated Area.

38. On October 14, 2020, Mark and John submitted to the Lieutenant Governor's Office the following statements:


To whom it may concern:

I, Mark Bleazard, do hereby swear that I signed the Erda feasibility study petition as an owner of private property, East of Highway 36 in Erda, Utah. I was never shown a map that included Six Mile Ranch property in a proposed Erda City. It was never discussed nor implied that I was signing for anything other than my own property in Erda.

I did not or could not sign as a representative of Six Mile Ranch Corp., without first consulting the other owners.

The Lt. Governor's office left me a message to call them back. When I returned the call, it was unanswered, and no further attempts were made.

Respectfully,

A handwritten signature in dark ink, appearing to read "Mark Bleazard", written in a cursive style.

Mark Bleazard

To whom it may concern:

I, John Bleazard, do hereby swear that I signed the Erda feasibility study petition as a resident of Erda. I was never shown any maps of the proposed Erda City. Terry Matthews and I discussed the limited commercial base in Erda along SR-36. It was never stated nor implied that I was signing for anything other than a feasibility study to move forward.

I did not or could not sign as a representative of Six Mile Ranch Corp., and was never informed that any Six Mile Ranch property was being considered as part of the Erda City boundaries. I only discovered the inclusion of this property after a map of the proposed Erda City was published. I then contacted the Lt. Governor's office and voiced my opposition to Six Mile Ranch property being included in the proposed Erda City boundary.

Respectfully,

John Bleazard



39. On that same date, Judy Warr also submitted to the Lieutenant Governor's Office a statement stating that her property was wrongfully included in the feasibility study:

October 14, 2020

To whom it may concern:

I, Judy Warr, do hereby swear that Ryan Sorenson had me sign for a feasibility study of Erda. I agreed to it based on the property that was part of the original Erda Township, of which none of my property North of Bates Canyon Road ever was part of. All of that property was and still is in the Stansbury Park Improvement District, which my property taxes reflect. He never showed me a map and I never saw the proposed Erda City boundaries until it was published in the newspaper.

It was clear from our conversation that the property North of Bates Canyon Road and North of SR-138 were not included. I was only signing for my property in the historic Erda Township.

Respectfully,



Judy Warr

40. On October 16, 2020, the Lieutenant Governor's Office correctly acknowledged that these statements called into question the feasibility study, certification of the incorporation petition, and the validity of the election:

Justin Lee <justinlee@utah.gov> Fri, Oct 16, 2020 at 3:19 PM  
To: Kalem Sessions [REDACTED]@gmail.com>  
Cc: DENISE Martin [REDACTED]@gmail.com>, Ryan Sorensen [REDACTED]@yahoo.com>

Kalem,

We received letters yesterday from Mark Bleazard, John Bleazard, and Judy Warr each stating that when they signed the original petition for the feasibility study they were not signing for all of their ranch property, but just their personal parcels. For the Bleazards they are saying that they were not signing for Six Mile Ranch, but just their own parcels.

If that is accurate, then there is an argument that the original petition should not have been certified, and that could be grounds for someone to challenge the validity of the election if the votes are in favor of incorporation.

Best,

-----  
Justin Lee  
Director of Elections  
Office of the Lieutenant Governor  
State of Utah  
justinlee@utah.gov

41. On information and belief, the inclusion of the Property in the feasibility study likely led to the incorporation of Erda qualifying for the ballots in the 2020 election.

42. However, the feasibility study wrongfully represented the Proposed Incorporated Area as it included the Property, despite the fact that the permission required by Utah Code § 10-2-202(1)(a) had not been given to include the Property in the Proposed Incorporated Area or the feasibility study.

43. The Lieutenant Governor's Office supervises state and local elections.

44. The Lieutenant Governor's Office wrongfully included the Property as part of the incorporated area on the feasibility study.

45. On information and belief, the incorporation of Erda would not have qualified to appear on the 2020 election ballots but for the inclusion of the Property on the feasibility study.

46. Six Mile Ranch never agreed to its Property being included in the Proposed Incorporated Area or in the feasibility study.

47. Moreover, even if Mark and John had intended to sign the request for feasibility study on behalf of Six Mile Ranch, their signatures purportedly on behalf of Six Mile Ranch would be invalid pursuant to Utah Code Ann. § 10-2a-102(3)(b)(ii) because they did not provide “documentation accompanying the request or petition that substantiates [their] representative capacit[ies]” of Six Mile Ranch.

48. Without the inclusion of Six Mile Ranch, the Proposed Incorporated Area is ineligible for incorporation under Utah law.

49. The feasibility study obtained as a prerequisite for incorporation accordingly contains incorrect information about the feasibility of the incorporation.

50. Therefore, the 2020 election outcome that appears to support the incorporation of Erda was improper and should be invalidated.

**FIRST CLAIM FOR RELIEF**  
(Declaratory and Injunctive Relief)

51. Plaintiff hereby incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

52. The Court has power to declare rights, status, and other legal relations, whether or not further relief is or could be claimed, and such a declaration shall have the force and effect of a final judgment of decree.

53. In this case, there exist justiciable controversies between Plaintiff and Defendants, who are adverse parties.

54. Plaintiff has a legally protectable interest relating to these controversies, and the issues are ripe for judicial determination.

55. Plaintiff is therefore entitled, pursuant to Utah Code §§ 78B-6-401-412, to have the following determination and declaratory judgment entered: entry of an order invalidating the 2020 election outcome apparently supporting the incorporation of Erda.

56. Likewise, Plaintiff is entitled to a preliminary and permanent injunction preventing the Lieutenant Governor's office from certifying the 2020 election outcome apparently supporting the incorporation of Erda.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for relief as follows:

- A. Entry of judgment including the declaratory and injunctive relief described above;  
and
- B. Such other and further relief as the Court deems just and equitable.

DATED: November 30, 2020

**DENTONS DURHAM JONES PINEGAR**

By: /s/ Brent N. Bateman  
Brent N. Bateman  
Peter H. Donaldson  
Cole P. Crowther  
Tyler R. Cahoon

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