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3RD JUDICIAL DISTRICT COURT  
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BY A  
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**IN THE THIRD JUDICIAL DISTRICT COURT  
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

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SALT LAKE CITY CORPORATION, a  
municipal corporation,

Plaintiff/Appellee,

vs.

DARLENE SCHMIDT, an individual,

Defendant/Appellant.

**MOTION TO VOLUNTARILY DISMISS**

Civil No. 128900070

Judge Vernice Trease

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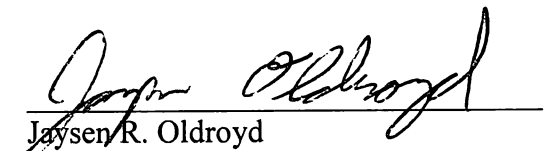
Plaintiff Salt Lake City Corporation (the “City”), by and through its attorney of record, hereby files this Motion to Voluntarily Dismiss. Dismissal of this matter in its entirety is appropriate in this instance because:

1. The City is willing to dismiss the parking citation at issue; and
2. Defendant Darlene Schmidt (“Defendant”) has indicated her agreement to the dismissal of such citation; and

3. If the parking citation is dismissed, then the appeal from the small claims court decision upholding the citation is moot and can be dismissed; and
4. Even if Defendant did not agree to dismissal of this action, the Court could still grant the City's Motion to Dismiss upon any terms and conditions the Court deemed proper.
5. Dismissal of this matter will preserve municipal and judicial resources and will shield the Defendant from incurring significant financial liability.

For all of the foregoing reasons, the City hereby requests that the Court enter and order (1) dismissing the parking citation at issue, (2) dismissing this litigation in its entirety, and (3) ordering that each party be responsible for its own costs and fees. A proposed order to this effect is filed herewith for the Court's convenience.

DATED this 28<sup>th</sup> day of December, 2012.

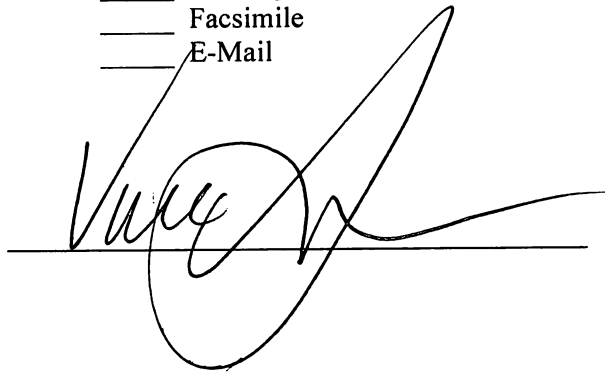
  
\_\_\_\_\_  
Jaysen R. Oldroyd  
Senior City Attorney  
Attorney for Salt Lake City Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of December, 2012, a true and correct copy of the foregoing **MOTION TO VOLUNTARILY DISMISS** was delivered upon the following attorneys as indicated below:

Darlene Schmidt  
1450 Plata Way,  
Sandy, UT 84093-2351

- U.S. Mail
- Hand Delivered
- Overnight
- Facsimile
- E-Mail



A handwritten signature in black ink, appearing to read 'Darlene Schmidt', is written over a horizontal line. The signature is stylized and cursive.

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Plaintiff/Appellee,

vs.

DARLENE SCHMIDT, an individual,

Defendant/Appellant.

**[PROPOSED] ORDER GRANTING THE  
CITY'S MOTION TO VOLUNTARILY  
DISMISS**

Civil No. 128900070

Judge Vernice Trease

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The Court, having reviewed the arguments and materials submitted regarding Salt Lake City Corporation's Motion to Voluntarily Dismiss, and good cause appearing therefore, hereby

**ORDERS:**

- 1) That the parking citation issued to Darlene Schmidt on July 20, 2012, be dismissed; and
- 2) That the above-captioned matter be dismissed; and
- 3) All parties are to bear their own fees and costs.

Dated this \_\_\_ day of \_\_\_\_\_, 2013.

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Hon. Judge Vernice Trease