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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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UTE INDIAN TRIBE OF THE UINTAH  
AND OURAY RESERVATION,

Plaintiff,

v.

THE STATE OF UTAH, et al.,

Defendants.

MEMORANDUM DECISION

Case No. 2:13-cv-01070-DB-DBP

District Judge Dee Benson

Magistrate Judge Dustin B. Pead

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**I. INTRODUCTION**

This matter was referred to the Court under 28 U.S.C. § 636(b)(1)(A). (Docket No. 24.) On December 3, 2013, Plaintiff filed its Complaint in the federal Utah District Court to seek an injunction against the prosecution of Ute tribal member Lesa Ann Jenkins. (Dkt. No. 2.) The first Returns of Service for Defendants Scott Sweat, Tyler Berg, and Wasatch County (“Defendants”) were filed with the Court on December 11, 2013. (Dkt. Nos. 12; 14-15.) On December 20, 2013, Defendants filed a Motion to Quash Service, alleging that they were not properly served. (Dkt. No. 16.) For the reasons set forth below, the Court **DENIES** the motion as **MOOT**.

## II. ANALYSIS OF DEFENDANTS' MOTION TO QUASH

Defendants assert that Plaintiff served Ms. Shelley Kelsey, a legal assistant at the Wasatch County Attorney's Office, and Ms. Sandy Hansen, the Deputy Wasatch County Clerk; neither of whom is authorized to accept service of process for Defendants. (*Id.*)

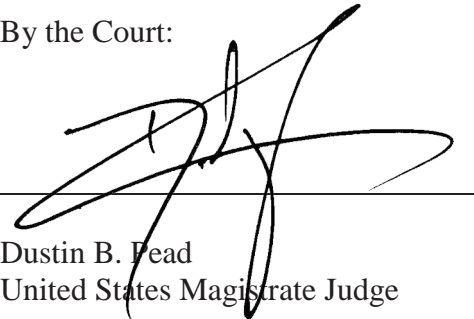
However, Plaintiff again served Defendants on January 3, 2014, and Returns of Service were properly executed on January 15, 2014. (Dkt. Nos. 33-35.) On January 16, 2014, Plaintiff responded to the motion to quash to indicate it had remedied any alleged service deficiency. (Dkt. No. 37.) Accordingly, the Court finds any deficiencies in the first service of process have been remedied by the second.

## III. ORDERS

For the reasons set forth above, the Court **DENIES** as **MOOT** Defendants' Motion to Quash. (Dkt. No. 16.)

Dated this 6<sup>th</sup> day of February, 2014.

By the Court:



Dustin B. Fead  
United States Magistrate Judge