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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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ALICIA ROHBOCK; RUBY JESSOP;  
SUSAN BROADBENT; GINA  
ROHBOCK; NOLAN BARLOW; JASON  
BLACK; MAY MUSSER; HOLLY  
BISTLINE; LAWRENCE BARLOW;  
STEVEN DOCKSTADER; MARVIN  
COOKE; HELEN BARLOW; VERGEL  
BARLOW; CAROLE JESSOP; BRIELL  
LIBERTAE DECKER, fka LYNETTE  
WARNER; AMY NIELSON; SARAH  
ALLRED; THOMAS JEFFS; and  
JANETTA JESSOP,

Plaintiffs,

v.

WARREN STEED JEFFS, RODNEY R.  
PARKER; SNOW CHRISTENSEN &  
MARTINEAU, P.C.; DAVID SLAGLE;  
JOHN R. LUND; MAX WHEELER;  
DAVID SLAUGHTER; ANDREW  
MORSE; RICHARD VAN WAGONER;  
FREDERICK GEDICKS; JOHN GATES;  
and John Does I through X,

Defendants.

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MEMORANDUM DECISION AND  
ORDER

Case No. 2:16-CV-788 TS

District Judge Ted Stewart

This matter is set for a jury trial to begin on September 26, 2022. Warren Steed Jeffs, the sole remaining defendant, is in default leaving only the issue of damages. Under such circumstances, Plaintiffs have no statutory or constitutional right to a jury trial.<sup>1</sup> Rather, the

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<sup>1</sup> *Olcott v. Del. Flood Co.*, 327 F.3d 1115, 1124 (10th Cir. 2003); *see also Dierschke v. O'Cheskey*, 975 F.2d 181, 185 (5th Cir.1992) (“[I]n a default case neither the plaintiff nor the defendant has a constitutional right to a jury trial on the issue of damages.”); *Adriana Int’l Corp. v. Thoeren*, 913 F.2d 1406, 1414 (9th Cir. 1990).

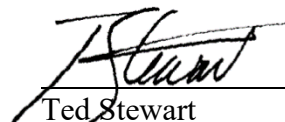
Court may conduct a hearing to determine the amount of damages.<sup>2</sup> The Court finds that it is not in the interests of justice to conduct a jury trial on damages in this case. It is therefore

ORDERED that the trial date is STRICKEN. It is further

ORDERED that Plaintiffs submit a proffer of their alleged damages by September 12, 2022. Upon review of that proffer, the Court will determine whether to use the September 26, 2022 date for a hearing under Rule 55(b)(2).

DATED this 24th day of August, 2022.

BY THE COURT:

  
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Ted Stewart  
United States District Judge

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<sup>2</sup> Fed. R. Civ. P. 55(b)(2)(B).