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New York, UPS spar over proposed \$872 million fine for cigarette shipments – New York state and city authorities sparred with United Parcel Service Inc on Wednesday during closing arguments in a trial over whether the world's largest package delivery company should be fined for allegedly delivering untaxed cigarettes from smoke shops on Native-American reservations.

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U.S. top court skeptical toward State Farm hurricane fraud appeal – The Supreme Court on Tuesday appeared unlikely to throw out a jury verdict against State Farm that found the insurance company defrauded the U.S. government when it assessed damage caused by Hurricane Katrina along the Gulf of Mexico coast in 2005.

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R.J. Reynolds loses bid to end TV anti-smoking ad requirement – A federal appeals court on Tuesday rejected R.J. Reynolds' bid to void a decade-old order requiring tobacco companies to televise "corrective" advertisements about the dangers of smoking.

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Valeant sued for botching marketing of female libido pill – Valeant Pharmaceuticals International Inc was sued on behalf of former investors in Sprout Pharmaceuticals Inc, which it bought last year for \$1 billion, over its alleged failure to market the female libido pill Addyi successfully.

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U.S. justices drill down on Venezuela oil rig dispute – Some U.S. Supreme Court justices on Wednesday appeared wary about the foreign policy implications of making it too easy for foreign governments to be sued in U.S. courts as they considered a lawsuit by an Oklahoma-based oil drilling company that claims Venezuela unlawfully seized 11 drilling rigs six years ago.

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A girl and her dog: top U.S. court mulls discrimination claim – Not for the first time, a pooch named Wonder was left out in the cold on Monday, waiting outside the U.S. Supreme Court as the justices considered whether a Michigan school district can be sued for not letting a disabled girl take the service dog to class.

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UTAH STATE BAR / DISASTER LEGAL RESPONSE COMMITTEE

Utah State Bar CLE teaches lawyers how to prepare for "Zombie Apocalypse"

Should the zombies wreak havoc and spread their virus throughout the Salt Lake Valley, Utah Code Ann. 26-6-3 provides the statutory authority for the control of "epidemic infections and communicable disease."

Sona Schmidt-Harris

The Intermountain Commercial Record/Salt Lake Times

Signs of a zombie virus appear in the Salt Lake City area, and it could be spreading quickly. What is the lawyerly response to this disaster and what rights do people suspected of being zombies have?

Such was the scenario speakers Tracy Olson and William Edwards presented at the Utah State Bar headquarters in Salt Lake City for a Continuing Legal Education (CLE) seminar on Thursday, October 27th.

Edwards is a 2018 J.D. candidate at the S.J. Quinney College of Law at the University of Utah. Olson, an attorney at Smart, Schofield, Shorter & Lunceford, is the Chair of the Utah State Bar Disaster Legal Response Committee.

The primary purpose of the Disaster Legal Response Committee is to teach attorneys and others to personally and professionally prepare for a disaster. Additionally, in the event of a disaster the committee would provide *pro*

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CLE seminar speakers William Edwards and Tracy Olson talk with attendees

NACM / SEMINAR

'Game It, Claim It, Tame It' Mechanic Liens Seminar

Projects with federal government ownership come under a different category and all of those that exceed \$100,000 require bonding and are regulated by the "Miller Act."

Robert Miller

The Intermountain Commercial Record/Salt Lake Times

Attorney Dana Farmer knows a thing or two about Lien Law having built a substantial practice focused on it over the past 20 years. Last week he distilled that knowledge for over 60 participants at the National Associa-



Dana Farmer

tion of Credit Management, NACM, Business Credit Service's Mechanics' Lien & Bond Seminar. Seminar attendees learned how to perfect their company's financial interests using a three-step process Farmer calls "Gain It, Claim It, Tame It" that provides greater financial protection than the mere promise to pay from the debtor.

The correct filing of liens and the presence of a bond improves the strength of a company's balance sheet when reviewed by banks or bonding entities, and if payment is not received, a company has the final option

of selling the lien property on the court house steps and recovering the value of material and labor performed.

Farmer spent most of his time urging and instructing the assembled construction credit management employees in the "Gain It" phase of lien & bond enforcement. He emphasized that correct filing in this phase of a project provides the greatest protection for their companies at the least cost. Participants learned how to file preliminary liens within a 20 day window that begins when their company's

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Utah State Bar CLE teaches lawyers how to prepare for “Zombie Apocalypse”

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bono services for some disaster survivors.

Statutorily, the Utah Department of Health has been granted substantial power during a public health crisis. The little case law that there is on the subject backs the counties and State regarding the forced treatment of individuals if their condition(s) are regarded as a public health threat.

For instance, in *Reynolds v. McNichols*, the Tenth Circuit held that a prostitute who had a STD could be forcibly held and treated. The ordinance which applied was deemed a valid exercise of police power.

Should the zombies wreak havoc and spread their virus throughout the Salt Lake Valley, Utah Code Ann. § 26-6-3 provides the statutory authority for the control of “epidemic infections and communicable disease.” It is possible that the Health Department could issue a verbal order of restriction. However, a

verbal order is only valid for 24 hours. A written order must follow.

According to the statute, if an individual bitten by one of the living dead refuses treatment, quarantine, or isolation, the Health Department may quarantine, isolate or forcibly treat suspected zombies even before getting any kind of judicial authorization for up to five business days. Only at that point is it required for it to “. . . petition the district court to order involuntary examination, treatment, quarantine, or isolation.”

In its effort to stop the spread of the zombie virus, the Utah Department of Health could quarantine healthy individuals to remain at home or isolate infected individuals. The difference between isolation and quarantine is that quarantine affects healthy individuals who have potentially been exposed to a communicable disease, while isolation affects infected

individuals.

The power of the Health Department to quarantine or isolate is broadly defined. It may do so if there is an “unusual or increased occurrence of any illness.” The enforcement of a quarantine or isolation is the purview of the local sheriff.

As you might guess, a zombie virus or any other “unusual or increased occurrence of any illness” could have lengthy legal fallout. For instance, what happens to the unfortunate victim’s job when quarantined or isolated? According to Olson, you cannot be terminated by complying with an order to be quarantined.

In fact, there are many unanswered legal questions in part because of the relatively rare exercise of the health department quarantining or isolating individuals. Olson said that when he was studying law in New York, the state’s law had not changed since the 1918 flu

pandemic.

Olson highlighted that a zombie virus would create a lot of due process rights issues in part because there are not a lot of checks and balances. Furthermore, the statute provides some immunity to health care workers. In Utah, there would be no personal liability to health care workers.

Other concerns remain especially in regards to civil rights, forced vaccination, and appellate rights. If a victim of the virus is killed by the anti-zombie vaccine, whom would the victim sue? Who provides food for those quarantined or isolated? To further complicate the matter, this could change if FEMA got involved.

There is more than one reason to be glad that the zombie virus has not spread in the Salt Lake Valley. Some of them are legal.

‘Game It, Claim It, Tame It’ Mechanic Liens Seminar

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employees last performed an activity or delivered materials to a job site.

Public projects, State, County, City, School and Special Districts, are bonded and not subject to lien. Some larger private projects are bonded as well. The “20-day rule” applies to both bonded and un-bonded construction. In Utah, lien documents are filed at the on-line State Construction Registry, SCR. Farmer suggested that, when available, it is far preferable to link a preliminary lien filing to the general contractors’ entry number and to mimic exactly all names and numbers from that entry, even if they are incorrect. This procedure protects the lien holder from spurious defenses based on minor discrepancies between the documents if payment for services is not made and a legal resolution needs to be pursued. Liens filed beyond the 20 day window are not effective until 5 days after filing and cannot secure lien rights to any costs prior to the effective date.

On public projects General Contractors can protect their bonds from claims by filing a Notice of Commencement within 15 days of initial activity on a job site. Filing of this notice limits bond rights of sub-contractors to those filed within the 20 day window from the date of activity.



Dana Farmer at NACM Mechanic Liens Seminar

Surrounding states, where Utah contractors may be engaged, have similar lien and bond laws with most differences being in the time frame for filings. Idaho has no provision for a preliminary lien filing and does not maintain an SCR. Wyoming allows 30 days after the last activity for preliminary filing while Montana uses Utah’s 20 day rule. Farmer cautioned the credit managers to review appropriate state laws before filing liens in those jurisdictions.

Projects with federal government ownership come under a different category and all of those that exceed \$100,000 require bonding and are regulated by the “Miller Act”. Under the Miller Act, no lien is allowed and claims for non-payment must be filed within 90 days of a sub-contractor or suppliers last action on the job site. Law suits for non-payment on federal projects must be filed within 1 year of that final activity.

Farmer also pointed out that, in practice, insurance companies seldom write a check for delinquent payments to sub-contractors. Those invoices are usually referred back to the contractor who is urged to resolve any dispute. He acknowledged the higher value of a lien when property values are rising and diminished values when they are declining.

How Donald Trump is tearing evangelicals asunder

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United States. They opted to work for the electoral victories of the Republican Party.

“Roe” remains the law of the land. That fact, plus the failure of Republican presidents, including Reagan, to give more than lip service to the causes of the religious right, has led many contemporary evangelicals to wonder whether 40 years of political engagement were worth it.

In 2016, with a Republican nominee who does not even pay lip service to their causes, these doubts are winning significant adherents, especially among young evangelicals more interested in worship than power. They are wondering why, if they can fall in love and get married, and honor God in such fashion, same-sex couples cannot.

To this growing spiritual sensibility, ministers of the gospel who support Trump could not be more revolting. Even those who favor the sacred over the profane find this man’s

profanity too much. The sooner faith becomes prophetic rather than powerful, the religious members of the religious right believe, the more God’s words will be heeded.

Everyone, and not just believers, has a stake in this controversy. Americans have long had an implicit understanding about how best to avoid the religious violence that so plagued Europeans. Unlike them, Americans welcomed religious voices into the public square. But as much as Americans respected religion in general, the public was less certain about specific religions.

From Thomas Jefferson and James Madison to the present day, religion can count on public support, but at the cost of abandoning what the Supreme Court once called “pervasive sectarianism.” The United States, the most religious country among the wealthy liberal democracies, is also among the least theologi-

cal. Religion should unite us, most of us believe, and not cause us to prefer the sword to the plow.

In return for acceptance into public life, America’s religions have been given exemption from certain public duties that all other secular groups must obey. Unlike bar associations or industrial giants, religious organizations do not pay property taxes on where they carry out their main business. Their holidays become everyone’s holidays. Their members can avoid going to war, and, in some states, being vaccinated. Even the Pledge of Allegiance, at least since 1954, pays homage to God.

Though Americans separate church and state, there is no separation of church and culture in America. In return for widespread acceptance, our religions have historically downplayed their specificity: God is in the pledge but not Jesus Christ.

Evangelicals who enter the political fray in favor of Trump threaten this religious peace. Trump’s vulgarity gave them an opportunity to turn their backs on the city of man in favor of the glories of belief.

Not, it turns out, for the Falwells and the Reeds. Ignoring religious voices even among fellow evangelicals, they have taken ownership of Trump’s intolerance, lack of charity and even his narcissism.

They are as far from martyrdom as any religious believer can be: Not only would they not give up their life or face banishment for their faith, they will not even change parties.

(Alan Wolfe is a professor of political science at Boston College and also director of the Boisi Center for Religion and American Public Life. His latest book is “At Home in Exile: Why Diaspora Is Good for the Jews.” The opinions expressed here are his own.)