

RAY, QUINNEY & NEBEKER

JAN 12 2003

PROVO

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Attorneys for Defendant

IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

UTAH DIVISION OF CONSUMER
PROTECTION,

Plaintiff,

v.

USIGHTCOM, LLC, a Utah limited liability
company,

Defendant.

**ORDER GRANTING DEFENDANT'S
MOTION TO VACATE
ADMINISTRATIVE ORDER AND
MOTION TO DISMISS FOR LACK OF
SUBJECT MATTER JURISDICTION,
GRANTING EX PARTE MOTION FOR
LEAVE TO FILE OVERLENGTH
REPLY MEMORANDUM, DENYING
PLAINTIFF'S MOTION TO STRIKE
DEFENDANT'S REPLY
MEMORANDUM, MOTION TO STRIKE
DEFENDANT'S STATEMENT OF
UNDISPUTED FACTS, AND MOTION IN
LIMINE**

Case No. 030907202

Judge Henriod

1-5-04

This matter came before the court for hearing on November 17, 2003 on Defendant's Motion to Vacate Administrative Order and Motion to Dismiss for Lack of Subject Matter Jurisdiction, Defendant's Ex Parte Motion to File an Overlength Reply Memorandum, Plaintiff's Motions to Strike Defendant's Reply Memorandum, to Strike Defendant's Statement of Undisputed Facts, and Motion in Limine, and Plaintiff's Motion to Strike References to Payment of Administrative Fine. Defendant uSightcom, LLC was represented by Craig Carlile and Gregory S. Roberts of Ray Quinney & Nebeker. Plaintiff the Utah Division of Consumer Protection was represented by Jeffrey S. Buckner of the Utah Attorney General's office. The court having considered the memoranda filed in this matter and the oral arguments of the parties, the court being fully advised in the premises, and good cause appearing, the Court denied Plaintiff's motions and granted Defendant's motion for summary judgment. The Court granted Defendant's motion for summary judgment on the basis that the Utah Division of Consumer Protection (the "Division") has no jurisdiction to regulate transactions that occur in states other than Utah. Furthermore, as to the two cases on which the Division's Order of Adjudication was based, the Division agreed to a complete settlement of its administrative citation as to Carol Llantro and a partial settlement of the issues as to Tamara McCoy.¹ Having resolved and settled the claims in the Administrative Citation, there were no such claims over which the Division could exercise further jurisdiction. Accordingly,

¹ The Administrative Citation included claims as to Emanuel Udo, but the presiding officer determined in his Conclusions of Law that there was no violation as to Mr. Udo. Therefore, the Emanuel Udo claims were not part of the Order of Adjudication. Nevertheless, even if the Emanuel Udo claims had been part of the jurisdictional basis asserted in this case; those claims also were fully resolved and settled with the Division.

IT IS HEREBY ORDERED as follows:

1. The Administrative Order of Adjudication entered against uSightcom, LLC on December 27, 2002 is hereby vacated and Plaintiff's First Amended Complaint filed in the above-entitled action is hereby dismissed with prejudice;

2. Defendant's Ex Parte Motion for Leave to File an Overlength Reply Memorandum is granted;

3. Plaintiff's Motion to Strike Defendant's Reply Memorandum is denied;

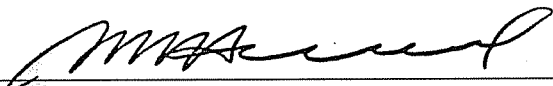
4. Plaintiff's Motion to Strike Statement of Undisputed Facts is denied;


5. Plaintiff's Motion in Limine is denied; and

6. Defendant's Motion to Strike Any Reference to Payment of Administrative Fine is now moot given the above rulings.

DATED this 7 day of January, 2004.

BY THE COURT



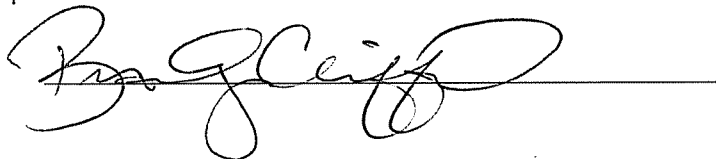
Stephen L. Henriod
Third District Judge 

STAMP USED AT DIRECTION OF JUDGE

CERTIFICATE OF SERVICE

I do hereby certify that on the 5th day of January, 2004, a true and correct copy of the foregoing **ORDER GRANTING DEFENDANT'S MOTION TO VACATE ADMINISTRATIVE ORDER AND MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION, GRANTING EX PARTE MOTION FOR LEAVE TO FILE OVERLENGTH REPLY MEMORANDUM, DENYING PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S REPLY MEMORANDUM, MOTION TO STRIKE DEFENDANT'S STATEMENT OF UNDISPUTED FACTS, AND MOTION IN LIMINE** was hand-delivered to the following:

Jeffrey S. Buckner
Attorney General's Office
P.O. Box 140872
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114

A handwritten signature in black ink, appearing to read "Jeffrey S. Buckner", is written over a horizontal line.

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