

NOV 13 2001

In the Third District Juvenile Court
Salt Lake County, State of Utah

3rd District
Juvenile Court

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| State of Utah, interest of Bierly, Leigh Bierly, Jordan Bierly, Peter | Orders on Motions Filed which are Under Advisement or Consideration by the Court |
| Persons under eighteen years | Case Nos.129142,128961,970973 |

The Court, having had the following motions under advisement or consideration, hereby enters its Order on each Motion filed by Respondent Lisa Bierly, as follows:

1. Motion for Summary Disposition, Judgment on the Pleadings, filed 10-1-01. This motion was heard and denied by the Court at the hearing on 10-1-01;

2. Motion to Continue filed in September, 2001, was granted to the extent that Respondent's counsel was given additional time in which to present Respondent's case at the conclusion of the GAL's case;

3. Motion for Temporary Home Placement of Children filed in August, 2001, was previously denied by the Court, and is still denied by the Court, as the matter is pending adjudication of the Verified Petition for Termination of Parental Rights filed 5-24-01 by the Office of Guardian ad Litem. The Court is not disposed to commence a trial home placement during proceedings in which the ultimate issue is whether or not the parents' rights should be terminated;

4. Request for Production of Documents and Request for Witness and Exhibit Lists filed in August of 2001. The time lines for compliance under the Child Welfare Act are different than the time lines for the rules of discovery, and they can't always be made compatible. Thus, the Court has directed all counsel to be as timely and diligent as possible in providing documents, pleadings, and discovery to the other parties;

5. Motion to Dismiss Jurisdiction and Objection to GAL's Ex Parte Motions dated 5-14-01, was previously denied. However, the Court did grant, in part, the motion to have separate guardian ad litem appointed for Peter Bierly;

6. Motion for Emergency Hearing and Request for Neglect Order to Show Cause. Paragraphs 1,2,3,5, and 6 are denied. Paragraph 7 is denied as it relates to a child named, Rene' Peery, who is not a subject child of this proceeding. Paragraph

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4 was previously granted. Having so ruled, there is no good cause shown for an emergency hearing and it is denied;

7. Motion for Order to Show Cause is denied. Most of the issues raised are not in the form of an order to show cause, but complaints about not receiving discovery, reports, or records of the DCFS. The motion fails to state with clarity grounds for this Court to schedule an Order to Show Cause hearing. Some of the issues raised are the subject of the termination proceedings currently before the Court for adjudication. The issue of DCFS allowing the child to travel out of state has been addressed several times, and counsel has been instructed it is not an issue in this trial;

8. Motion to Recall Bench Warrant, Recall Sentence and Order for Release Pending Hearing. This Court has no jurisdiction to act or entertain this request in that it was filed in the Taylorsville, Municipal Justice Court. The Court is puzzled as to why this document was provided to this Court;

9. Motion for Expedited (sic) Hearing, List of Attachment in Support, filed 10-29-01. The thrust of this motion is an assertion of alleged professional misconduct by an Assistant Attorney General. This Court is without jurisdiction to entertain such a proceeding. The Rules of Professional Conduct require that alleged violations are to be reported to the appropriate professional authority. The Court is not that authority and the Motion is denied. See R.Prof.Cond., 8.3 and 8.4;

10. Motion to Reconsider Order on Motions and Order or Declare Same as a Final Order, pursuant to U.R.C.P. 54(b), filed 10-29-01. The Motion to Reconsider Order on Motions is denied. The Court has reviewed its prior orders and finds no good cause to reconsider its rulings. As to the Motion to Declare Same as a Final Order, it is not the prerogative of the trial court to declare an order to be final. That determination resides with the appellate courts of this state.

The following motions have also been filed with the Court by other parties, and the Court rules as follows:

1. Motion and Order to Show Cause filed by Office of Attorney General, dated 5-1-01, has been continued without date pending the adjudication of the Petition for Termination of Parental Rights;

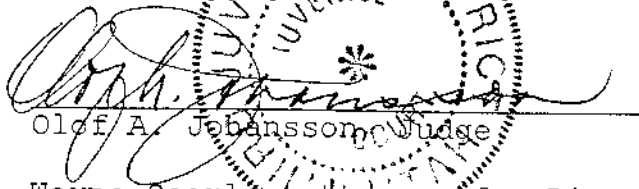
2. Motion Limiting Minor Child's Testimony filed 10-1-01,

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by Office of Guardian ad Litem, will be considered and ruled on by the Court, if, and when said child is called as a witness;

3. Expedited Motion to Terminate Visitation filed 10-15-01, by Office of Guardian ad Litem, is set for hearing on 11-19-2001, at 1:00 p.m..

Dated this 6th day of November, 2001.



Olof A. Johansson, Judge

cc: Wayne Searle, attorney for Lisa Bierly
Liz Knight, GAL
Paul Amann, AG.