



OFFICE OF THE  
UTAH STATE AUDITOR

November 4, 2015

Dan Harrie  
Salt Lake Tribune  
[dharrie@sltrib.com](mailto:dharrie@sltrib.com)

Dear Mr. Harrie:

This letter is in response to your GRAMA request to Maria Fandl, Clerk for the Board of Examiners, dated October 29, 2015, in which you requested the following records:

*“claims and related information regarding the claims submitted in the following cases: Monica Larsen Elliott, claim for \$3,405,242 and Brenden Yates, claim for \$4,374,196.”*

We currently have records that are responsive to your request. These records have been emailed to you.

It should be noted that all documents responsive to your request will not be provided at this time pursuant to the requirements of GRAMA. A review of these records shows that many of the requested records in possession of the Board of Examiners are “Private” records based upon *Utah Code* § 63G-2-302. In addition, some information related to the Yates case has been redacted due to the “Private” classification.

Pursuant to *Utah Code* § 63G-2-401, you have the right to appeal the denial of this request to John Dougall, Secretary to the Board of Examiners. Your notice of appeal must be submitted within 30 days of the above denial date and must include your name, mailing address, daytime telephone number, and an explanation of the relief sought. You may also include any supporting information with your notice of appeal. Your appeal may be submitted at the address listed below.

John Dougall, Utah State Auditor  
Utah State Capitol Complex  
East Office Building, Suite E310  
Salt Lake City, Utah 84114-2310  
[jdougall@utah.gov](mailto:jdougall@utah.gov)

Sincerely,

Linda Siebenhaar  
Records Officer  
Office of the Utah State Auditor

**NOTICE OF REQUEST FOR BOARD OF EXAMINERS ACTION  
PURSUANT TO UCA 63G-7-701(c), 63G-9-202 & 63G-4-201(3)(a)**

**NOTICE OF REQUEST FOR A CONFERENCE PURSUANT TO  
UCA 63G-4-102(4)**

James R. Elliott, as the husband, guardian, and duly appointed conservator of Monica C. Larsen, an injured adult person, and Monica C. Larsen, individually, hereby files a request for Agency/Board of Examiners Action pursuant to UCA sections 63G-7-701(c), 63G-9-202 & 63G-4-201(3)(a).

**A. General Statement and Nature of the Claim:**

Claimants, submit that the general nature of their claims is based on injuries suffered by Monica Larsen in a school bus and auto collision on 1-31-11 in Salem, Utah.

A UCA 63G-7-401(2-3) notice of claim an action was timely filed in March 2011. Thereafter a formal Complaint and Jury Demand was filed and served on the State of Utah and the Nebo School District in March 2012.

A settlement was reached with the Risk Management Division and with the approval of the Governor and thereafter funds were allocated by the Legislature and the civil action filed in the Fourth District Court was dismissed in October 2012.

The settlement agreement between the Plaintiffs and the State of Utah and the Nebo School District specifically reserved to the Plaintiffs the legal right and remedy to seek additional compensation from the Board of Examiners under

**NOTICE OF REQUEST FOR BOARD OF EXAMINERS ACTION  
PURSUANT TO UCA 63G-7-701(c), 63G-9-202 & 63G-4-201(3)(a)**

**NOTICE OF REQUEST FOR A CONFERENCE PURSUANT TO  
UCA 63G-4-102(4)**

Michael Yates and Alisha Yates, as the guardians, duly appointed conservators and parents of Brenden Yates, an injured minor and incapacitated child; and Brenden Yates individually, hereby files a request for Agency/Board of Examiners Action pursuant to UCA sections 63G-7-701(c), 63G-9-202 & 63G-4-201(3)(a).

**A. General Statement and Nature of the Claim:**

Claimants, submit that the general nature of their claims is based on injuries suffered by Brenden Yates in an injury incident that occurred at the Utah State Hospital's "rope course and swing." A UCA 63-7-401(2-3) notice of claim an action was timely filed in June 2012. Before a formal Complaint and Jury Demand was filed and served on the State of Utah and the Utah State Hospital, a settlement was reached with the Risk Management Division and later was approved by the Governor and thereafter funds were allocated by the Legislature. The necessary release documents and Court approval of the settlement occurred on January 17, 2014. The settlement was for the full governmental statutory limits for an injury that occurred in August 2009.

The settlement agreement between the Plaintiffs and the State of Utah and the Utah State Hospital specifically reserved to the Plaintiffs the legal right and remedy to seek additional compensation from the Board of Examiners under

UCA 63G-7-701(c) & 63G-9-201(2) - 63G-9-302, for additional compensation over and above the maximum statutory sum paid by the State of Utah and the Utah State Hospital under UCA 63G-7-604(1), (3-4).

As of the date of this filing and Request for Action, Brenden Yates has received the maximum amount allowed by statute in the sum of \$620,700.00 from the State of Utah.

Those funds are currently under the general supervision of the Fourth District Court and the Conservators who are the parents of Brenden Yates. Brenden will be 18 years of age in February 2014, however due to the nature of his injuries and the cognitive deficits that have arisen from the injury incident, Brenden will still be under Court supervision and still be under the supervision of his parents, the duly appointed conservators in this matter.

As will be set out in detail below and in the attachments to this Request for Action, Brenden Yates has suffered a severe traumatic brain injury and other serious bodily, back and kidney injuries from 40' foot fall from the 'ropes swing' at the Utah State Hospital. The special damages for lost income, loss of earning capacity, and future medical needs and costs totaled \$4,244,896.00. This number does not include any general damages for pain, suffering and the loss of enjoyment of life.

The Petitioners are hereby seeking additional compensation over and above the above listed settlement amount that have exhausted all other sources of compensation, and by this Request for Action is seeking additional compensation for the remaining special damages and general damages incurred in this tragic and unnecessary injury incident.

**B. Persons Involved In the Initial Claim:**

- a. All claimants are currently residents of Utah County, Utah.
- b. Claimants include: Michael Yates and Alisha Yates, as the guardians, duly appointed conservators and parents of Brenden Yates, an injured minor and incapacitated child; and Brenden Yates individually.
- c. State of Utah; State of Utah Department of Human Services; Division of Substance Abuse and Mental Health; and Utah State Hospital.

Agents of Service, Pursuant to UCA 63G-7-401(3)(b)(E) and URCP 4(d)(1)(J):

Sean D. Reyes  
Attorney General of the State of Utah  
Office of the Attorney General  
Utah State Capitol Complex  
350 North State Street Suite 230  
SLC UT 84114-2320

Palmer DePaulis  
Executive Director  
State of Utah  
Department of Human Services  
195 North 1950 West  
Salt Lake City, Utah 84116

Dallas L. Ernshaw, APRN CNS BC  
Superintendent of Utah State Hospital  
1300 East Center Street  
Provo, Utah 84603

**C. Jurisdiction**

1. This Request for Agency/Board of Examiners Action is filed under the following provisions of the UCA and the statutes and laws of the State of Utah:
  - a. UCA 63G-7-701(c) specifically provides that a Claimant may submit an “excess claim” to the board of examiners after the full statutory sums have been paid by the State Risk Management Division to the Claimant.
  - b. The settlement agreement between the Plaintiffs and the State of Utah specifically reserved to the Plaintiffs the legal right and remedy to seek additional compensation from the Board of Examiners under UCA 63G-7-701(c) & 63G-9-201(2) - 63G-9-302, for additional compensation over and above the maximum statutory sum paid by the State of Utah and the Utah State Hospital under UCA 63G-7-604(1), (3-4).
  - c. Pursuant to UCA 63G-9-202, the Board of Examiners shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act in its adjudicative proceedings.

- d. This Request for Agency/Board of Examiners Action is filed pursuant to UCA 63G-4-201(1)(b) & (3), wherein the claimants are seeking commencement of the adjudicative proceedings of the Board of Examiners.
- e. The Claimants are seeking the Board of Examiners to evaluate the uncompensated claims of Brenden Yates and approve additional sums of compensation in excess of the above sums from the State.

The Claimants are seeking a sum for the remaining special damages, less the deductions of the above payments in a sum for special damages, in the amount of \$3,624,196. [\$4,244,896.00 less the settlement sums of \$620,700.00]

In addition to the special damages the Claimants are seeking a substantial sum for general damages that would routinely be awarded by a judge or jury in a civil case involving the scope of injuries suffered by Monica Larsen. General damages are requested in the amount of \$750,000.00.

- g. The Claimants request that the Board of Examiners approve the claim for excess compensation over and above the statutory amount in a sum of \$4,374,196.00. Thereafter the Claimants request the

Board transmit their approved claim amount to the Legislature with a statement of the reasons for the claim approval, pursuant to UCA 63G-9-301(1)(b)

**D. Date and Place and General Statement of the Claims:**

*{“The Following is the text of the initial Notice of Claim filed with the State and with the Utah State Hospital in this matter:”}*

1. Prior to August 30, 2009, the Utah State Hospital had constructed a “ropes course” and “high ropes course/swing” on the grounds of the Hospital. The course/swing was constructed and utilized in the recreational therapy part of the Hospital’s overall treatment programs.
2. Prior to August 30, 2009, the Utah State Hospital invited guests, church groups, private citizen groups and non hospital residents to schedule the use and experience of the ropes course and rope swing located on the State Hospital’s grounds and facilities.
3. On all occasions of the operation and use of the rope course and high ropes course/swing, whether for formal hospital therapy groups or for private citizen groups, the State Hospital had trained employees and staff members how to safely organize, operate and ‘man’ both the ropes course and the high rope swing apparatus.



4. On information and belief, the claimants allege on the date of these injury incidents, there were at least three State Hospital employees on duty, one male and two females. One of the senior female employees was identified to the group as 'Gwen'.
5. The high ropes course/swing consisted of two 50-foot poles that were buried and established 80 feet apart with anchor guy wires to the ground. Between and on the two poles were also ropes, cables, pulleys, carabineer/attachments and a 'weight bag/rope' connecting the two large poles and creating a long 'swing rope' between the two poles.
6. The high ropes course/swing operated with only one participant at a time, who initially had placed on and around his person a 'rappelling' type body harness, and thereafter was raised to a height of almost 40 feet off the ground. Other nearby members of the group are involved in this process of raising the participant by pulling as a group on a 'pull-rope'.
7. The high ropes course/swing was designed with a specific set of carabineer attachments that would in tandem allow the participant to be raised in the air and, at the apex of the raised height, thereafter to be released to swing via a large rope between the two poles. It is imperative that the correct carabineers are attached to

the swing rope and to the participant's harness to allow the swing to function and at the time of the carabineer's/ropes release, to not allow the person to simply and tragically fall to the ground while being unattached to the swing rope.

8. In 2009, Brenden and Taylor Yates were members of an LDS ward youth group outing from the Payson Utah Greenridge Ward of the Payson Stake.
9. Upon arrival at the rope course locations on August 30, 2009, the group was split up to allow one group to access and use the ropes course and the other group was sent to the high ropes course/swing area. Brenden and Taylor went to the high ropes course with their advisors and other group members. At this time the group came into contact with the three Hospital staff employees who were in charge of the overall supervision and operation of the high rope course/swing area.
10. Brenden Yates was not the first participant in this high ropes swing. He was placed in his harness and the employee, Gwen, hooked him up to the high ropes swing using the carabineers and the harness. Following this hook-up procedure, other members of the youth group, including Brenden's brother Taylor Yates, began to pull him

up to the apex height allowed by the swing course of approximately 35-40 feet off the ground and suspended in the air.

11. At the appropriate time and location of the ropes course swing, Brenden Yates released the pull line and expected to begin the long swing portion of the event. However, due to the fact that the Hospital employee had incorrectly attached his body and harness carabineers, he was not attached to the actual swing rope that would hold his weight and allow him to swing between the two poles.
12. Due to the employee's incorrect attachment of the carabineer to his harness and to the swing rope, Brenden Yates fell directly downward a distance of over 35 feet to the ground landing on his back and striking his head.
13. Taylor Yates was one of the 'pull line/rope' participants and thus was very nearby his brother at the time of the fall. Taylor Yates was an eyewitness to the his brother's tragic and dramatic fall from the apex of the swing ropes course and immediately went to his brother to render any aid and comfort he could to his younger brother.
14. Brenden was taken by ambulance the UVRMC and later was life flighted to Primary Children's Hospital in Salt Lake City for

emergency and acute treatment of numerous injuries fractures and bleeds to his body, spine, brain and head.

15. Taylor Yates has been diagnosed with and treated for PTSD and significant emotional distress, due to the close proximity of his person to his brother's tragic fall and landing on the nearby ground from the dramatic fall from the apex of the swing, as well as being an eyewitness and participant in the pull line and ropes that failed to adequately secure his brother from falling from the apex of the swing.
16. Claimants allege that the Hospital employees were careless and negligent in the operation of the large ropes swing course, both in the violation of existing safety procedures and polices concerning a high ropes/swing course, including violations of the existing national standards of care applicable to the operation of a ropes course and ropes swing course.
17. Claimants submit that the Hospital and their employees were negligent in the operation of the high ropes course in the following particulars:
  - a. The degree of training and supervision of the ropes course hospital staff by the administration of the State Hospital was not adequate to allow the safe operation of the course and to allow

participants to safely use the course without injury or harm. Thus, this was below the acceptable standard of care concerning the operation, supervision and training of the employees involved in the use of the rope swing with the general public.

b. That the employees who actually were involved in the events of this injury incident failed to follow the acceptable policies and protocols and safety standards applicable to the specific instance of securing Brenden safely to the swing rope, by failing to correctly connect the applicable carabineers to the body and harness of Brenden Yates.

18. As a direct and proximate result of the acts and omissions of the above named State of Utah defendants, the claimants both Brenden Yates and Taylor Yates have suffered individual damages, including but not limited to severe, permanent, physical and emotional injuries, which have radically changed their individual lives and life-style on a permanent basis. As a consequence of these injuries, each of the claimants are entitled to recover from defendant State of Utah the following damages:

a. Medical expenses incurred in the past in an amount subject to proof at trial.

- b. Medical expenses which the plaintiffs can reasonably expect to incur in the future, in an amount subject to proof at trial.
- c. Loss of wages and earning capacity in the past and future in an amount subject to proof at trial.
- d. Past and future pain, suffering, emotional distress and the loss of use of her body amounting to a permanent disability and loss of employment in an amount subject to proof at trial.
- e. Loss of enjoyment of life, past and future, in an amount subject to proof at trial.
- f. The costs of this action, and all such other and further relief as a Court deems equitable and proper.

**E. Attachments to this Request for Action and Notice of Claim to the Board of Examiners:**

- 1. Notice of Claim
- 2. April 16, 2013 Settlement Packet sent to the Division of Risk Management - with attachments of:
  - 1. EMT/Ambulance/Provo Fire Department records.
  - 2.

3.

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9. An economic report that provides a summary of all special damages

with a final number in the sum total of \$4,244,896.00, for *only* past and future special damages for Brenden Yates. (not including any general damage numbers)

3. Settlement Agreement between the State of Utah and the Claimants.
4. Fourth District Court Order for Appointment of Conservator and Order approving settlement of the civil and insurance claims. And Letters of Conservatorship to.

PRAYER FOR RELIEF FROM THE BOARD OF EXAMINERS:

1. The Claimants are seeking the Board of Examiners to evaluate the uncompensated claims of Brenden Yates and approve additional sums of compensation in excess of the above sums from the State statutory limits set forth above.

2. The Claimants are seeking a sum for the remaining special damages, less the deductions of the above payments in a sum for special damages, in the amount of \$3,624,196. [\$4,244,896.00 less the settlement sums of \$620,700.00]


3. In addition to the special damages the Claimants are seeking a substantial sum for general damages that would routinely be awarded by a judge or jury in a civil case involving the scope of injuries suffered by Brenden Yates. General damages are requested in the amount of \$750,000.00.

4. The Claimants request that the Board of Examiners approve the claim for excess compensation over and above the statutory amount and the auto policies in a sum of \$4,374,196.00. Thereafter the Claimants request the Board



transmit their approved claim amount to the Legislature with a statement of the reasons for the claim approval, pursuant to UCA 63G-9-301(1)(b)

DATED this 23rd day of January 2013.



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LYNN C. HARRIS  
JONES WALDO HOLBROOK  
AND MCDONOUGH  
Attorney for Claimants  
3325 North University Avenue  
Suite 200  
Provo, Utah 84604



UCA 63G-7-701(c) & 63G-9-201(2) - 63G-9-302, for additional compensation over and above the maximum statutory sum paid by the State of Utah and the Nebo School District under UCA 63G-7-604(1), (3-4).

As of the date of this filing and Request for Action, Monica Larsen has received the maximum amount allowed by statute in the sum of \$648,700.00 from the State of Utah and the Nebo School District. In addition there were two auto insurance policies that paid an additional \$100,000.00 and \$25,000.00, for a total of \$773,700.00.

Those funds are currently under the general supervision of the Fourth District Court and the Conservator James Elliott.

As will be set out in detail below and in the attachments to this Request for Action, Monica Larsen has suffered a severe traumatic brain injury and other serious bodily injuries from the school bus collision with her vehicle. The special damages for lost income, loss of earning capacity, and future medical needs and costs totaled \$3,428,942.00. This number does not include any general damages for pain, suffering and the loss of enjoyment of life.

The Petitioner, James Elliot as the conservator and husband of Monica Larsen, and Monica Larsen individually, are hereby seeking additional compensation over and above the above listed settlement amounts that have exhausted all other sources of compensation, and by this Request for Action are

seeking additional compensation for the remaining special damages and general damages incurred in this tragic and unnecessary collision and injury incident.

**B. Persons/Entities Involved:**

- a. All claimants are currently residents of Utah County, Utah.
- b. Claimants include: James Elliott, as the guardian, conservator and husband of Monica C. Larsen, an injured adult; Monica C. Larsen, individually;
- c. Nebo School District and Nebo School District Board of Education. Located at 350 South Main Street, Spanish Fork, Utah 84660

Agent of Service, Pursuant to UCA 63G-7-401(3)(b)(C) and URCP 4(d)(1)(H):

Richard C. Nielsen, Superintendent Nebo School District  
350 South Main Street, Spanish Fork, Utah 84660

Tracey D. Olsen, Business Administrator Nebo School District  
350 South Main Street, Spanish Fork, Utah 84660

Reed Park, Nebo School District Legal Counsel  
350 South Main Street, Spanish Fork, Utah 84660

- d. Kathleen Bowles as an employee of Nebo School District and as the school bus driver involved in the school bus and auto collision incident which is the subject of this action.
- e. Department of Administrative Services, Division of Risk Management, State of Utah. File # 61758.  
Regarding Fourth District Court Case No. 120400422. Jim Christensen, 5120 State Office Building, Salt Lake City, UT 84114-1321

f. Joel A Ferre, Assistant Attorney General, Litigation Division  
160 East 300 South, Salt Lake City, Utah 84114-0856

g. Board of Examiners:

Gary Herbert, Governor;  
Mark Shurtleff, Attorney General;  
Austin Johnson, Utah State Auditor.

Service on the State of Utah and the Members of the Board of  
Examiners pursuant to UCA 63G-7-401(3)(b)(E) to the  
Attorney General:

Mark Shurtleff, Attorney General  
Office of the Attorney General  
Utah State Capitol Complex  
350 North State Street  
Suite 230  
Salt Lake City, Utah 84114-2320.

**C. Jurisdiction**

1. This Request for Agency/Board of Examiners Action is filed  
under the following provisions of the UCA and the statutes  
and laws of the State of Utah:

a. UCA 63G-7-701(c) specifically provides that a  
Claimant may submit an “excess claim” to the board  
of examiners after the full statutory sums have been  
paid by the State Risk Management Division to the  
Claimant.

b. The settlement agreement between the Plaintiffs and  
the State of Utah and the Nebo School District

specifically reserved to the Plaintiffs the legal right and remedy to seek additional compensation from the Board of Examiners under UCA 63G-7-701(c) & 63G-9-201(2) - 63G-9-302, for additional compensation over and above the maximum statutory sum paid by the State of Utah and the Nebo School District under UCA 63G-7-604(1), (3-4).

- c. Pursuant to UCA 63G-9-202, the Board of Examiners shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act in its adjudicative proceedings.
- d. This Request for Agency/Board of Examiners Action is filed pursuant to UCA 63G-4-201(1)(b) & (3), wherein the claimants are seeking commencement of the adjudicative proceedings of the Board of Examiners.
- e. The Claimants are seeking the Board of Examiners to evaluate the uncompensated claims of Monica Larsen and approve additional sums of compensation in excess of the above sums from the State and the two auto policies.

The Claimants are seeking a sum for the remaining special damages, less the deductions of the above payments in a sum for special damages, in the amount of \$2,655,242. [\$3,428,942.00 less the settlement sums of \$773,700.00]

In addition to the special damages the Claimants are seeking a substantial sum for general damages that would routinely be awarded by a judge or jury in a civil case involving the scope of injuries suffered by Monica Larsen. General damages are requested in the amount of \$750,000.00.

- f. The Claimants request that the Board of Examiners approve the claim for excess compensation over and above the statutory amount and the auto policies in a sum of \$3,405,242.00. Thereafter the Claimants request the Board transmit their approved claim amount to the Legislature with a statement of the reasons for the claim approval, pursuant to UCA 63G-9-301(1)(b)

**D. Date and Place and General Statement of the Claims:**

{“The Following is the text of the initial Notice of Claim filed with the State and with the Nebo School District in this matter”}

1. On January 31, 2011, in Salem, Utah, at 8:40 a.m. the claimant Monica Larsen was driving eastbound on SR-164 with the right of way as she approached the intersection of SR-164 and 460 West Salem/1200 West in Spanish Fork. Her child Kayli Larsen was in her seat and seatbelt in the rear seat driver’s side location.

2. At the same point in time, and at the same general location, an employee of the Nebo School District, Kathleen Bowles, was operating a large Bluebird school bus in a southbound direction as she approached the intersection of SR-164 and 460 West/1200 West in the Salem/Spanish Fork area.

3. Monica Larsen was operating her vehicle at the speed limit on this roadway and had the right of way through this intersection as she proceeded eastbound.

4. As the school bus approached the subject intersection, there was a stop sign posted on the northwest corner of the intersection that controlled all southbound traffic attempting to negotiate the intersection.

5. On information and belief, the claimants submit that the school bus being operated by the Nebo School District driver failed to adequately stop at the



intersection and immediately entered the intersection at the same time the Larsen vehicle was traveling eastbound through the intersection on SR-164.

6. The school bus failed to adequately stop at the posted stop sign, and thereafter proceeded into the intersection colliding with the Larsen vehicle at a near 90 degree angle. The collision was extremely violent and the physical forces involved caused the school bus to physically connect to the Larsen passenger vehicle, and together the two adjoined vehicles slid across the intersection and on the shoulder area of the southwest corner of the intersection.

7. To facilitate the extrication of the occupants of the Larsen vehicle, the school bus had to be backed up and dislodged from the passenger vehicle and thereafter the EMTs had to utilize mechanical means to fully remove both Monica and Kayli Larsen from the passenger auto.

8. At all times relevant to this claim, Kathleen Bowels was an employee school bus driver for Nebo School District and the Board of Education, and was in the course and scope of her employment duties. On information and belief the claimants submit that the driver was returning the bus to the bus storage lot located in Payson, Utah.

9. Claimants allege that the school bus driver was careless and negligent in the operation of her bus, both in the violation of existing traffic statutes and in violation of the existing standard of care applicable to the operation of the large school bus.

10. Claimants submit that the school bus driver was negligent in the operation of her school bus in the following particulars:

- a. The defendant driver was operating her bus without maintaining a proper lookout.
- b. The defendant driver was operating her vehicle in such a manner as she failed to adequately control her vehicle.
- c. The defendant driver was driving her vehicle upon a highway without due caution and circumspection.
- d. The defendant driver was driving her vehicle upon a highway and failed to yield the right of way as was required under the applicable traffic statutes of the State of Utah.
- e. The defendant driver disregarded the traffic signal/stop sign and ran through the stop sign into the intersection causing the violent collision with the Larsen vehicle.

11. On information and belief, the claimants also submit that the Nebo School District administrators, managers and supervisors over the Nebo School District bus drivers were negligent in the hiring, training, testing, and retention of the school bus drivers employed by the district, including the driver involved in the subject incident of this claim and action.

12. As a direct and proximate result of the acts and omissions of the Nebo School District driver, the claimants have suffered individual damages,

including but not limited to severe, permanent, physical and emotional injuries, which has radically changed their individual lives and life-style on a permanent basis. As a consequence of these injuries, each of the claimants are entitled to recover from defendant Nebo School District the following damages:

- a. Medical expenses incurred in the past in an amount subject to proof at trial.
- b. Medical expenses, which the plaintiff can reasonably expect to incur in the future, in an amount subject to proof at trial.
- c. Loss of wages and earning capacity in the past and future in an amount subject to proof at trial.
- d. Past and future pain, suffering, emotional distress and the loss of use of her body amounting to a permanent disability and loss of employment in an amount subject to proof at trial.
- e. Loss of enjoyment of life, past and future, in an amount subject to proof at trial.
- f. The costs of this action, and all such other and further relief as the Court deems equitable and proper.

**E. Attachments to this Request for Action and Notice of Claim to the Board of Examiners:**

1. Notice of Claim
2. Complaint and Jury Demand

3. March 27, 2012 Settlement Packet sent to the Division of Risk Management with attachments of: the police report; news reports; photographs of the vehicles; selected medical records of Monica Larsen; final medial report from a treating rehabilitation physician; final neuro-psychological report; vocational report on loss of earning capacity; a future life care plan for the reasonable and conservative estimates of future care needs for Monica Larsen; an economic report of special damages on past and future medical costs and loss of income and earning capacity amounts.
4. Settlement Agreement between the State of Utah and the Claimants. Additional release documentation from the two auto insurance carriers.
5. Fourth District Court Order for Appointment of Conservator and Order approving settlement of the civil and insurance claims. And Letters of Conservatorship to James Elliott.

**PRAYER FOR RELIEF FROM THE BOARD OF EXAMINERS:**

1. The Claimants are seeking the Board of Examiners to evaluate the uncompensated claims of Monica Larsen and approve additional sums of compensation in excess of the above sums from the State and the two auto policies.

2. The Claimants are seeking a sum for the remaining special damages, less the deductions of the above payments in a sum for special damages, in the amount of \$2,655,242. [\$3,428,942.00 less the settlement sums of \$773,700.00]

3. In addition to the special damages the Claimants are seeking a substantial sum for general damages that would routinely be awarded by a judge or jury in a civil case involving the scope of injuries suffered by Monica Larsen. General damages are requested in the amount of \$750,000.00.

4. The Claimants request that the Board of Examiners approve the claim for excess compensation over and above the statutory amount and the auto policies in a sum of \$3,405,242.00. Thereafter the Claimants request the Board transmit their approved claim amount to the Legislature with a statement of the reasons for the claim approval, pursuant to UCA 63G-9-301(1)(b)

DATED this 15th day of November 2012.



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LYNN C. HARRIS  
JONES WALDO HOLBROOK  
AND MCDONOUGH  
Attorney for Claimants  
3325 North University Avenue  
Suite 200  
Provo, Utah 84604