

Furthermore, these preservation efforts implicate matters of federal oversight and civil rights exposure. Any destruction, concealment, or denial of access to court records may constitute violations under **color of law**, as defined in 42 U.S.C. §1983, §1985, and §1986. As these actions relate to ministerial and administrative duties—not judicial discretion—they carry enforceable obligations independent of judicial immunity.

Pursuant to the rights under the Utah Constitution (Art. I, Sec. 11 and Sec. 12), and the GRAMA statute (Utah Code §63G-2-201, §63G-2-204), Defendant respectfully requests the Court and Clerk's Office to immediately:

- Certify and preserve all audio and video recordings related to the following hearings:
 - November 3, 2021
 - December 1, 2021
 - January 5, 2022
 - February 23, 2022
 - April 27, 2022
 - July 6, 2022
 - August 17, 2022 (Oral argument on record preservation and court misconduct)
 - September 20, 2024 (Status Hearing where BCI expungement was tolled)
 - May 1, 2025 (Post-dismissal hearing, now subject of federal investigation)
 - All Zoom, Webex, or telephonic hearings where record-keeping has not been certified
- Direct the Utah Courts **IT Department** to preserve all Webex video and audio recordings, including metadata, for every hearing held in this case.
- Issue subpoenas duces tecum to preserve administrative court records previously requested by Defendant via (PROPOSED) Subpoena filings made on **April 28, 2025**, which remain pending and were never ruled upon by Judge Lunnen. These subpoenas were specifically submitted to preserve digital and internal records for oversight and integrity purposes, and include:
 - (PROPOSED) Subpoena Duces Tecum – Utah Attorney General’s Office (Filed 04/28/2025)
 - (PROPOSED) Subpoena Duces Tecum – Utah County Attorney’s Office (Filed 04/28/2025)
 - (PROPOSED) Subpoena Duces Tecum – Zoom Inc. (Filed 04/28/2025)

These administrative subpoenas requested preservation of internal emails, metadata, video and digital hearing records, and any communications referencing Defendant or Case No. 211401656.

The Court is respectfully urged to enforce and recognize the pending status of these filings to prevent obstruction and support federal compliance.

This motion is based on the pending federal filing regarding obstruction, improper status characterization, and due process violations under 18 U.S.C. §1510, §1519; and 42 U.S.C. §1983, §1985, §1986.

Defendant also requests that a **neutral judge** be appointed solely to oversee and issue rulings on administrative functions of the court regarding preservation, record access, subpoenas, and certification requests.

II. MOTION TO RECUSE JUDGE ROBERT C. LUNNEN

In addition to the substantive due process concerns, Defendant notes that multiple administrative motions filed with this Court have gone unaddressed by Judge Lunnan, including:

- The Motion to Quash the unconstitutional May 1, 2025 hearing;
- The Motion to Toll Expungement filed prior to September 20, 2024;
- Three Proposed Subpoenas Duces Tecum filed on April 28, 2025 (Zoom, Utah AG, Utah County Attorney);
- The Motion for Injunctive Relief requesting administrative preservation of records;
- Multiple requests for certified record access and docket correction.

These omissions are not protected by judicial immunity as they relate to administrative functions. The failure to rule on these motions constitutes neglect of non-discretionary judicial obligations, increases the risk of evidentiary loss, and demonstrates prejudicial inaction. This reinforces the request for immediate recusal and oversight.

Defendant seeks the immediate recusal of the assigned judge for the following reasons, including evidence of retaliation and mischaracterization of the case's procedural history:

1. Judge Lunnan was made aware of a stay on expungement and acknowledged this on record during the 09/20/2024 hearing, yet subsequently used the language "case closed" in a manner that risks destruction of records.

2. On May 1, 2025, the Court held a post-dismissal hearing without proper jurisdiction, and has refused to release the associated audio/video recording despite multiple formal requests.
3. The judge has made statements implying that Defendant is or should be designated a "vexatious litigant," despite the fact that the court has failed to rule on over a dozen pending motions.

These actions reflect bias, retaliation, and a failure to perform ministerial duties in good faith. The characterization of Defendant as a 'vexatious litigant' is retaliatory in nature, particularly given that Case No. 211401656 has been ruled an exact duplicate of prior dismissed proceedings. Moreover, the May 1, 2025 hearing was held without jurisdiction following a dismissal with prejudice and the Court's prior agreement to toll the expungement. As such, it is the State—not Defendant—engaging in repetitive, abusive process. Defendant has simply requested injunctive relief and preservation of an accurate court record of proceedings, requests for the Court to honor contracted stipulations and to fulfill administrative obligations.

These retaliatory procedures and administrative misrepresentations warrant immediate recusal and oversight.

Furthermore, Judge Lunnen failed to quash Defendant's timely Motion to Quash the May 1, 2025 hearing as unconstitutional and beyond the court's jurisdiction.

“Despite clear evidence that the case had already been dismissed with prejudice, the Court proceeded with the May 1, 2025 hearing—an act constituting an abuse of process and further validating Defendant’s well-documented concerns of systemic retaliation. This failure to uphold previously entered orders underscores the urgent need for judicial recusal and neutral administrative oversight, especially given the demonstrably disproportionate treatment of pro se litigants in this matter.”

III. MOTION TO CLARIFY CASE STATUS

Administrative Preservation Authority: Pursuant to Utah Administrative Code R548-2-5 and applicable Judicial Council rules, all court records, including digital recordings, are required to be preserved with accuracy and integrity. This obligation is not discretionary and applies to all administrative and adjudicative bodies under the Utah judiciary.

September 20, 2024 Status Hearing Clarification: During the September 20, 2024 status hearing, Judge Lunnen made the following judicial commitments:

"I'll sign the Order."

"I'll hold it (the BCI expungement certificate) until I hear back from you. In the meantime I am going to file an Order to Dismiss the case with Prejudice."

"I will make sure it has been stayed."

These statements, made on the record, constitute a **judicial and contractual obligation** to dismiss the case with prejudice and toll the expungement pending further notice from Defendant.

The corresponding minute entry filed in CORIS further confirms:

"The court orders that this case be dismissed with prejudice. The court will not grant the expungement until Mr. Allen provides notice to the court that he wishes to proceed with the expungement."

This binding agreement reflects that the case is dismissed with prejudice but **not closed**, as the expungement process is formally stayed. These judicial acts must be upheld as part of the Court's duty to maintain procedural accuracy and good faith under law.

May 1, 2025 Status Hearing Misrepresentation: The most recent status hearing held on May 1, 2025 was not been timely entered into the official docket, exceeding 14 days from the hearing date. Further, the court's verbal characterization of the case as "closed" during that hearing contradicts the September 20, 2024 record. This contradiction undermines the judicial contract and pending federal review. Immediate correction and clarification are necessary to prevent administrative overreach or record tampering.

Defendant hereby moves to clarify that:

1. The case is **dismissed with prejudice** but not closed, due to the Court's acknowledgment of a stay/tolling of the BCI expungement process pending Defendant's motion.
2. Defendant has **intentionally delayed** filing for expungement while awaiting federal investigation into judicial and prosecutorial misconduct.
3. Any attempts to finalize or expunge this case prematurely, label it as closed, or withhold or destroy public records, constitute violations of Utah Code §76-8-306 and §76-8-508, as well as potential violations of federal obstruction statutes under 18 U.S.C. §1510 and §1519. Furthermore, any intentional destruction or concealment of records by court staff, administrators, or related personnel may constitute civil rights violations under color of law pursuant to 42 U.S.C. §1983, §1985, and §1986.

IV. REQUEST FOR CERTIFIED COPIES FOR INDIGENT DEFENDANT

Defendant further requests that the Court order the Clerk's Office to provide a complete set of **certified records and transcripts** associated with Case No. 211401656, including hearing audio and docket entries, **at no cost to Defendant**.

Defendant is indigent, and prior fee waivers have been granted by other judges in related matters involving overlapping parties and issues. Denying access to certified records would impair Defendant's ability to preserve his rights and submit materials for pending federal review.

V. MOTION FOR SANCTIONS, AUDIT, AND NOTICE OF CONSTITUTIONAL CONFLICT

Defendant respectfully moves for sanctions against any further administrative interference, jurisdictional overreach, or retaliatory scheduling of hearings, including the unconstitutional May 1, 2025 proceeding. The Court failed to quash this hearing despite Defendant's prior Motion to Quash, which challenged the hearing as unlawful and beyond the Court's authority following a dismissal with prejudice.

Defendant further requests that sanctions include immediate access to certified copies of all relevant case records, including internal emails, communications, administrative directives, metadata, and Webex/Zoom data logs, to prevent concealment or destruction of exculpatory or procedural material. Defendant also respectfully requests an **IT Department-supervised audit** of the Clerk's docketing system to determine:

- The original date and time each document was submitted by Defendant;
- The actual date and time of public or internal docket posting;
- Any discrepancies in record posting or filing lag time that may reflect administrative suppression or manipulation.

Such an audit is necessary to preserve due process and ensure compliance with statutory preservation requirements under Utah Administrative Code R548-2-5 and related ethical obligations.

This filing also serves as a **Supplemental Notice of Constitutional Conflict**, alerting the Court that its ongoing administrative participation in matters previously ruled upon—such as preservation and expungement tolling—constitutes an ongoing violation of due process and exposes the Court to potential color of law claims.

NOTICE OF FEDERAL PRESERVATION AND INTENT TO PURSUE §1983 CLAIM

Defendant hereby provides formal notice that, should judicial or administrative interference continue in contradiction to prior rulings or result in record suppression or retaliation, Defendant reserves the right to pursue a civil rights action under 42 U.S.C. §1983. This notice does not constitute a waiver of rights, but reflects Defendant's intent to escalate to federal remedy should administrative failures or color of law violations persist.

PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests that this Court:

1. Certify and preserve all relevant court records, recordings, and communications;
2. Direct the Utah Courts IT Department to immediately preserve all Webex and Zoom materials connected to this case;
3. Issue subpoenas to relevant agencies including Zoom, Utah AG's Office, Utah County Attorney's Office, and the Clerk's Office;
4. Recuse Judge Lunnen from further involvement in this case;
5. Enter an order clarifying that the case remains active in light of the pending stay on expungement;
6. Appoint a neutral judge to supervise all administrative preservation requests and rulings;
7. Set a deadline for the Clerk's Office to confirm delivery of all certified materials.

Respectfully submitted,

Mark Stewart Allen

Pro Se Defendant

markstewartallen@gmail.com

801-462-6700

Date: May 16, 2025

Mark Allen
444 E 90 North
Orem, Utah 84059

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

133 North Freedom Blvd. Provo Utah 84601

<p>MARK STEWART ALLEN,</p> <p>PETITIONER</p> <p>v</p> <p>STATE OF UTAH</p> <p>RESPONDENT</p>	<p>NOTICE OF SUBMISSION FOR DECISION</p> <p>Case No. 211401656 Judge: Lunnen</p>
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NOTICE OF SUBMISSION FOR DECISION

Defendant Mark Stewart Allen hereby notifies the Court and all parties that the accompanying:

- Motion for Certified Record Preservation
- Motion to Recuse
- Motion to Clarify Case Status and Expungement
- Request for Certified Copies for Indigent Defendant

is now submitted for decision in accordance with Rule 7(d) of the Utah Rules of Civil Procedure. A proposed order is included herein.

Respectfully submitted,
Mark Stewart Allen
Pro Se Defendant
markstewartallen@gmail.com
801-462-6700
Date: May 16, 2025

Mark Allen
444 E 90 North
Orem, Utah 84059

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

133 North Freedom Blvd. Provo Utah 84601

<p>MARK STEWART ALLEN,</p> <p>PETITIONER</p> <p>v</p> <p>STATE OF UTAH</p> <p>RESPONDENT</p>	<p>[PROPOSED ORDER]</p> <p>ORDER GRANTING MOTION FOR CERTIFIED RECORD PRESERVATION, RECUSAL, CLARIFICATION OF STATUS, AND INDIGENT ACCESS</p> <p>Case No. 211401656 Judge: _____</p>
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ORDER GRANTING MOTION FOR CERTIFIED RECORD PRESERVATION, RECUSAL, CLARIFICATION OF STATUS, AND INDIGENT ACCESS

The Court notes that the following motions remain pending and unrulled upon:

- Defendant’s Motion to Quash (May 1, 2025 hearing);
- Motion to Toll Expungement (prior to Sept 20, 2024);
- Proposed Subpoenas Duces Tecum filed April 28, 2025 (Zoom Inc., Utah AG, Utah County Attorney);
- Defendant’s Motion for Injunctive Relief to preserve the record;
- Repeated requests for certified records and docket correction.

These administrative matters require immediate ruling. With good cause appearing, IT IS HEREBY ORDERED THAT:

Upon review of Defendant's Motion and good cause appearing, IT IS HEREBY ORDERED THAT:

1. The Clerk of Court shall **certify and preserve all audio and video records listed in the Motion, including:**
 - Hearings on 11/3/21, 12/1/21, 1/5/22, 2/23/22, 4/27/22, 7/6/22, 8/17/22, 9/20/24, and 5/1/25.
 - All Webex, Zoom, or other virtual proceedings in Case No. 211401656.
2. The **Utah Courts IT Department** is directed to immediately preserve all recordings, metadata, and related digital assets.
3. Subpoenas duces tecum may issue for:
 - Zoom Inc.
 - Utah AG's Office
 - Utah County Attorney's Office
 - Internal records of the Clerk's Office and chambers communications
4. The **case status is clarified:** the case is dismissed with prejudice but remains active due to a **stay/tolling of the expungement** pending federal review.
5. Judge Robert C. Lunnen is **recused** from administrative rulings related to preservation, certification, or expungement.
6. A **neutral judge** shall be appointed to oversee all preservation-related matters.
7. Defendant, having demonstrated indigency, shall be provided with **certified copies of all case records, transcripts, and audio/video recordings** at no cost.

SO ORDERED.

DATED this ___ day of _____, 2025.

Judge of the Fourth Judicial District Court

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE TO SUBMIT FOR DECISION, ORDER TO CORRECT RECORD, DISMISS WITH PREJUDICE, AND TOLL EXPUNGEMENT PENDING NOTIFICATION FROM MARK STEWART ALLEN, ORDER GRANTING MOTION FOR CERTIFIED RECORD PRESERVATION, RECUSAL, CLARIFICATION OF STATUS, AND INDIGENT ACCESS, MOTION FOR CERTIFIED RECORD PRESERVATION, JUDICIAL RECUSAL, AND CLARIFICATION OF STATUS — EXPUNGEMENT STAYED, CASE NOT CLOSED

was served upon the following parties on this 16th day of May, 2025

Utah Fourth District Court (via court filing)

s/Mark Stewart Allen

**Exhibit 1- SEPTEMBER 20TH 2024 STATUS HEARING, CASE DISMISSED WITH
PREJUDICE, BCI EXPUNGMENT TOLLED / STAYED PENDING ALLEN'S FUTURE
MOTION**

The Order of the Court is stated below:

Dated: September 20,
2024
04:52:30 PM

/s/ ROBERT C LUNNEN

District Court Judge



FOURTH JUDICIAL DISTRICT - PROVO DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH,
Plaintiff,

vs.
MARK STEWART ALLEN,
Defendant.

MINUTES
STATUS HEARING

Case No: 211401656 FS
Judge: ROBERT C LUNNEN
Date: September 20, 2024

PRESENT

Clerk: shawnm
Prosecutor: CRAIG PETERSON
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): DUSTIN PARMLEY

DEFENDANT INFORMATION

Date of birth: January 29, 1962
Audio
Tape Number: 8A FTR/Wbx Tape Count: see below

CHARGES

1. STALKING - 3rd Degree Felony - Disposition: 09/09/22 Dismissed w/ Prejudi

HEARING

This matter comes before the court for a Status Hearing as requested in the Request for Hearing filed by the defendant on August 12, 2024.

The court addresses the parties regarding recent filings in this case.
Mr. Parmley motions to withdraw as counsel.
The court grants the motion to withdraw.
Mr. Peterson provides the history of the case and stipulates to the expungment.
The court notes that it must wait 60 days from the filing of the petition before it can grant the petition.
Mr. Allen responds and addresses the motion to toll the expungment.
Discussion ensues.
Mr. Allen addresses, and the state stipulates to, the Motion to Dismiss with Prejudice.

The court orders that this case be dismissed with prejudice.
The court will not grant the expungment until Mr. Allen provides notice to the court that he wishes to proceed with the expungment.

End Of Order - Signature at the Top of the First Page

Exhibit 2- September 20th 2024 Hearing Transcript REFER TO DOCKET ENTRY

Case 211401656

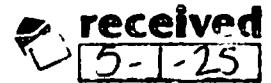
<p>STATE OF UTAH Craig Peterson</p> <p>vs.</p> <p>MARK STEWART ALLEN, Pro Se</p> <p>September 23, 2024</p>	<p style="text-align: center;">RULING</p> <p style="text-align: center;">ORDER TO DISMISS WITH PREJUDICE COURT RULINGS AND BY STIPULATIONS OF THE PARTIES case 211401656</p> <p>ORDER TO DISMISS 211401656 WITH PREJUDICE</p> <p>ORDER APPROVING EXPUNGEMENT CERTIFICATE 224913</p> <p>ORDER TO STAY EXPUNGEMENT OF 211401656 PENDING CRIMINAL INVESTIGATION of THIRD PARTIES</p> <p>Exhibit 1: Public Defender's Motion to Withdraw Exhibit 2: BCI Certificate 224913 / Court Notation Exhibit 3: Transcript of September 20th 2024 Hearing</p> <p>Case 211401656 Judge Robert Lunnen</p>
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On September 20, 2024 at 1:30 pm a Hearing was held at the request of Judge Lunnen.

The State of Utah was represented by Craig Peterson.

Mr. Allen represented himself.

Exhibit 3- MAY 1, 2025 REQUEST FOR WEBEX/ AUDIO OF CASE 211401656 HEARING



In the Fourth Judicial District Court, 47th County, State of Utah
Court Location Provo Julian

<u>MARK ALLEN</u> Plaintiff(s)/Petitioner(s)	REQUEST FOR COPY OF AUDIO RECORDING (Utah Code of Judicial Administration 4-202.08)
vs.	<u>211401656</u> Case Number
<u>State of Utah</u> Defendant(s)/Respondent(s)	<u>LUNNON</u> <u>3PM</u> <u>MAY 1, 25</u> Judge/Commissioner

Date of Request: May 1, 2025
 Requestor Name: Mark Allen Agency (if applicable): _____
 Email Address: MarkStewartAllen@gmail.com Phone Number: 801.462.6700
 Date(s) of Hearing: May 1, 2025 Time(s) of Hearing: 3pm
 Courtroom: 8A Full WBEZ Video & Audio if available

You must pay the court that provides the record. Prior to processing your request, the court will notify you if an additional fee will be required. The request will be processed within 10 business days after receipt of payment. No refund will be issued or credit applied toward another request.

For information on requesting audio of a court hearing, go to: utcourts.gov/audio

Attorneys of record must eFile this form in the appropriate case.

If unrepresented by counsel, please eMail this form to: recordingrequest4th@utcourts.gov

Requested Format:

- eMail me a link where I can listen to the audio using *For The Record*. This is the quickest way to gain access to the audio. \$15.00 each half day. (Audio cannot be downloaded.)

eMail a link to the following email addresses: (add as many emails as necessary)

- eMail me a MP3 attachment. \$15.00 each half day (plus personnel time*).
- Create an electronic storage medium. \$15.00 each half day (plus personnel time*).
 - Mail to: _____ (additional fee), or
 - Pickup (any physical records not picked up within 30 days will be destroyed).

Court Use Only:

Start/End Time:	Date Completed:	Total Cost:
-----------------	-----------------	-------------

* Personnel Time – The fee for time beyond the first 15 minutes is charged in 15 minute increments for any part thereof. (UCJA Rule 4-202.08)

Exhibit 4- POST DISMISSAL REQUEST BY STATE FOR STATUS HEARING

CRAIG T. PETERSON (07095)
Assistant Attorney General
DEREK BROWN (10476)
Utah Attorney General
5972 S. College Dr., Suite 200
Murray, Utah 84123
Telephone: (801) 281-1200
Email: craigpeterson@agutah.gov

Attorney for Plaintiff

4TH DISTRICT COURT - PROVO UTAH COUNTY, STATE OF UTAH	
STATE OF UTAH, Plaintiff, v. MARK STEWART ALLEN, Defendant.	REQUEST FOR HEARING Case No. 211401656 Judge: LUNNEN

STATE OF UTAH, through Craig T. Peterson, Assistant Attorney General, requests that the Court set a hearing to address the recent pleadings filed in the case by Defendant.

DATED: March 10, 2025.

DEREK BROWN
Utah Attorney General

/s/ Craig T. Peterson
CRAIG T. PETERSON
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be served on the following via USPS mail.

MARK STEWART ALLEN
444 E 90 N
Orem, UT 84057

DATED: March 10, 2025

/s/ Martina Hinojosa
MARTINA HINOJOSA
Paralegal

Exhibit 5- POST DISMISSAL COURT SCHEDULING STATUS HEARING

FOURTH JUDICIAL DISTRICT - PROVO DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH,
Plaintiff,

vs.
MARK STEWART ALLEN,
Defendant.

NOTICE OF
WBX STATUS HEARING

Case No: 211401656 FS
Judge: ROBERT C LUNNEN
Date: March 20,2025

Remote Appearance

WBX STATUS HEARING is scheduled.

Date: 05/01/2025

Time: 03:00 p.m.

Before Judge: ROBERT C LUNNEN

Courts Website: <https://legacy.utcourts.gov/cal/>

The court sets this matter for a Status Hearing as requested by counsel for the State. The link to the virtual hearing will be available on the court calendar in the days prior to the hearing.

March 20,2025

/s/ SHAWN MINTER

Date: _____

District Court Deputy Clerk

This hearing will not take place at the courthouse. It will be conducted remotely. Contact the court to provide your current email address. If you do not have access to a phone or other electronic device to appear remotely, notify the court.

UCJA Rule 4-401.02: court proceedings, including electronic proceedings, may NOT be recorded, photographed, or transmitted. Failure to comply with this prohibition may be treated as contempt of court, punishable by fine and time in jail.

* The court will provide an interpreter upon request. If you need an interpreter, please notify the court at (801)429-1037 five days before the hearing.

* El tribunal proveerá un intérprete si lo solicita. Si usted necesita un intérprete, por favor notifique al tribunal llamando al número (801)429-1037 cinco días antes de la audiencia.

Individuals needing special accommodations (including auxiliary communicative aids and services)

should call ABBY at (801)429-1037 three days prior to the hearing. For TTY service call Utah Relay at 800-346-4128.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 211401656 by the method and on the date specified.

EMAIL: MARK ALLEN markstewartallen@gmail.com

EMAIL: CRAIG PETERSON CRAIGPETERSON@AGUTAH.GOV

03/20/2025

/s/ SHAWN MINTER

Date: _____

Signature

**Exhibit 6- MAY 1, 2025 STATUS HEARING POSTED MAY 16TH 2025, NOTED AS
POSTING MAY 1, 2025.**

FOURTH JUDICIAL DISTRICT - PROVO DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH,
Plaintiff,

vs.
MARK STEWART ALLEN,
Defendant.

MINUTES
STATUS HEARING

Case No: 211401656 FS
Judge: ROBERT C LUNNEN
Date: May 1, 2025

PRESENT

Clerk: shawnm
Prosecutor: CRAIG PETERSON
Defendant Present
The defendant is not in custody

DEFENDANT INFORMATION

Date of birth: January 29, 1962
Audio
Tape Number: 8A FTR/Wbx Tape Count: see below

CHARGES

1. STALKING - 3rd Degree Felony - Disposition: 09/09/22 Dismissed w/ Prejudi

HEARING

FTR: 2:58-3:08
Webex: 00:00-09:31

This matter comes before the court for a Status Hearing to address recent filings by Mr. Allen.
The court admonishes Mr. Allen that filings cannot be made in this case as it has been dismissed.

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STATEMENT OF STANDING AND GOOD FAITH

Defendant Mark Stewart Allen affirms that he is the real party in interest in this matter and submits this filing in good faith, without delay, harassment, or abuse of process. This filing is intended to preserve the procedural and constitutional integrity of the record, seek enforcement of prior judicial rulings, and ensure compliance with state and federal record preservation statutes. As a pro se litigant, Defendant is obligated under judicial and ethical standards to inform the Court of any material errors, omissions, or violations, and to protect the lawful opportunity to correct the record.

Defendant's filings are consistent with Article I, Sections 7, 11, and 12 of the Utah Constitution, and seek to preserve rights protected under the U.S. Constitution, including the right to petition the government for redress of grievances. Defendant respectfully requests that no retaliatory restrictions or labeling as a vexatious litigant be imposed as a result of his lawful efforts to compel transparency, preserve the record, and correct judicial errors.

Defendant further requests that, if this motion is denied in whole or in part, the Court provide **written findings of fact and conclusions of law** to allow for proper appellate and federal review.

CERTIFICATE OF SERVICE

Pursuant to applicable Judicial Canons and the ABA Model Rules of Professional Conduct, including Rule 3.3 (Candor Toward the Tribunal), Rule 8.3 (Reporting Professional Misconduct), and Canon 2.2 of the Utah Code of Judicial Conduct (Duty to uphold the law and maintain integrity of the judiciary), Defendant hereby places the Court and Clerk's Office on formal notice:

- That the preservation of an accurate, complete, and transparent record is not discretionary, but a mandatory administrative obligation;
- That any suggestion that Defendant is barred from filing, correcting, or preserving the record is both legally incorrect and inconsistent with Article I, Section 11 of the Utah Constitution (Open Courts and Redress of Injuries);
- That retaliation or deprivation of the right to preserve the record—through silence, omission, or administrative delay—constitutes actionable harm;
- That all filings in this matter have been made in **good faith** for the sole purpose of preserving an accurate record and protecting the procedural integrity of the court;

- That as a **pro se litigant**, Defendant is legally and ethically obligated to notify the Court of errors, omissions, or procedural defects, and to request appropriate corrections to the official record;
- That pursuant to federal law, any knowing concealment, destruction, or alteration of public records may constitute obstruction of justice under **18 U.S.C. § 1510** and **18 U.S.C. § 1519**, and if done under the guise of judicial or clerical authority, may also constitute violations under **42 U.S.C. § 1983, § 1985, and § 1986**;
- That this filing, and all prior motions and proposed orders, have been submitted in accordance with Utah R. Civ. P. Rule 5, and were served via email and/or e-filing to the Clerk's Office, Prosecuting Attorney(s) with standing, and any other relevant agents of the Court.

Respectfully submitted,

Mark Stewart Allen

Pro Se Defendant

markstewartallen@gmail.com

801-462-6700

Date: May 16, 2025

A handwritten signature in black ink, appearing to be 'MSA', written over a horizontal line.