

John Mejia (USB No. 13965)  
ACLU OF UTAH FOUNDATION, INC.  
355 North 300 West  
Salt Lake City, Utah 84103  
Telephone: (801) 521-9863  
Facsimile: (801) 532-2850  
jmejia@acluutah.org

---

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

---

STATE OF UTAH,

Plaintiff,

v.

RYAN DOUGLAS PYLE,

Defendant.

**MOTION FOR LEAVE TO FILE  
AMICUS BRIEF OF THE  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION AND ACLU OF UTAH**

Case No. 131910379

Judge Vernice Trease

---

Proposed *Amici Curiae* American Civil Liberties Union Foundation (“ACLU”) and American Civil Liberties Union Foundation of Utah (“ACLU of Utah”), by and through undersigned counsel, file this motion for leave to file an amicus brief in support of the Defendant’s motion to suppress in the above-captioned case. The grounds for this motion are as follows:

1. The ACLU is a nationwide, nonprofit, nonpartisan organization with over 500,000 members dedicated to defending the principles embodied in the federal and state constitutions and our nation’s civil rights laws. The ACLU of Utah is one of its statewide affiliates.

2. The ACLU and ACLU of Utah regularly advocate for the protection of privacy rights under the Fourth Amendment to the U.S. Constitution and article I, section 14 of the Utah

Constitution, including the right to be free from unreasonable searches of confidential medical records.

3. The ACLU and ACLU of Utah frequently provide direct representation or file *amicus curiae* briefs in state and federal courts on a wide range of civil liberties issues, including in cases concerning the right to medical privacy under the federal and state constitutions. *See, e.g., Ferguson v. City of Charleston*, 532 U.S. 67 (2001); *Whalen v. Roe*, 429 U.S. 589 (1977); *Oregon Prescription Drug Monitoring Program v. U.S. Drug Enforcement Admin.*, 3:12-CV-02023-HA, --- F. Supp. 2d ----, 2014 WL 562938 (D. Or. Feb. 11, 2014).

4. Given their experience and long-term interest in Fourth Amendment and medical privacy issues, the ACLU and ACLU of Utah believe that their *amici curiae* brief will bring additional necessary arguments and perspectives to the attention of the Court regarding this important issue of Utahns' reasonable expectation of privacy in their confidential prescription records.

5. I contacted counsel for the parties to this matter about consent to file an *amici curiae* brief in this case. Defendant's counsel does not oppose. I have not heard from counsel for the State as of the time of this filing.

WHEREFORE, the ACLU and ACLU of Utah respectfully request that this Court grant them leave to file the *amici curiae* brief that accompanies this motion.

Respectfully Submitted,

/s/ John Mejia

John Mejia (USB No. 13965)  
ACLU OF UTAH FOUNDATION, INC.  
355 North 300 West  
Salt Lake City, Utah 84103  
Telephone: (801) 521-9862  
jmejia@acluutah.org

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of April, 2014, I served by electronic filing a true and correct copy of the foregoing MOTION FOR LEAVE TO FILE AMICUS BRIEF OF THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION AND ACLU OF UTAH, to the following:

Lana Taylor  
Wayne D. Jones  
Assistant Utah Attorneys General  
5272 South College Drive, Suite 200  
Murray, UT 84123  
Tel: (801) 281-1200  
lataylor@utah.gov

Rebecca H. Skordas  
Gregory G. Skordas  
Skordas, Caston & Hyde, LLC  
341 So. Main Street, Suite 303  
Salt Lake City, UT 84111  
Tel: (801) 531-7444  
rskordas@schhlaw.com

/s/ John Mejia  
John Mejia  
ACLU of Utah Foundation, Inc.