



Neutral

As of: August 31, 2020 10:06 PM Z

## Sunrise Fin., Inc. v. Painewebber, Inc.

United States District Court for the District of Utah, Central Division

October 16, 2001, Decided ; October 17, 2001, Filed

Civil No. 2:96CV 0060S

### Reporter

164 F. Supp. 2d 1277 \*; 2001 U.S. Dist. LEXIS 18051 \*\*

SUNRISE FINANCIAL, INC., a Utah corporation; and  
UTCO ASSOCIATES, LTD., a Utah limited partnership,  
Plaintiffs, vs. PAINWEBBER, INC., a Delaware  
corporation; PETER O. BISTRAN; KKN HOLDING, INC.;  
SPECIALTY FINANCING INTERNATIONAL, INC.;  
PASQUALE A. BASILE; INTERCONTINENTAL ASSETS  
CORPORATION; and JOSEPH STEENCKEN, Defendants.

For PASQUALE A. BASILE, defendant: Stephen O'Donnell,  
PIPER MARBURY RUDNICK & WOLFE, CHICAGO, IL.

For INTERCONTINENTAL ASSETS, defendant: David E  
Leta, Matthew L. Lalli, SNELL & WILMER LLP, SALT  
LAKE CITY, UT.

Intercontinental Assets, defendant, Pro se, LAS VEGAS, NV.

**Prior History:** [Sunrise Fin. v. Painewebber, Inc., 4 F. Supp.  
2d 1035, 1998 U.S. Dist. LEXIS 6730 \(D. Utah, May 6, 1998\)](#)

JOSEPH STEENCKEN, defendant, Pro se, BOCA RATON,  
FL.

For Paine Webber, Inc., defendant: Barbara K. Polich,  
PARSONS, BEHLE & LATIMER.

**Counsel:** **[\*\*1]** For SUNRISE FINANCIAL, INC., plaintiff:  
David R. King, KRUSE LANDA & MAYCOCK, James N.  
Barber, SALT LAKE CITY, UT.

For Pasquale A. Basile, defendant: Stephen O'Donnell, PIPER  
MARBURY RUDNICK & WOLFE.

For SUNRISE FINANCIAL, INC., UTCO ASSOCIATES,  
plaintiffs: David C. Wright, WHITE & MABEY, SALT  
LAKE CITY, UT.

**Judges:** Hon. Dale A. Kimball, Judge, District of Utah.

For UTCO ASSOCIATES, plaintiff: David L Arrington,  
Jeffrey M Jones, Charles P. Lloyd, DURHAM JONES &  
PINEGAR, SALT LAKE CITY, UT.

**Opinion by:** Dale A. Kimball

For UTCO Associates, Ltd., plaintiff: David L. Arrington,  
DURHAM JONES & PINEGAR.

## Opinion

For PAIN WEBBER INCORPORATED, defendant:  
Barbara K Polich, PARSONS BEHLE & LATIMER, SALT  
LAKE CITY, UT.

[\*1277] [EDITOR'S NOTE: TEXT WITHIN THESE  
SYMBOLS [O]><O] IS OVERSTRUCK IN THE SOURCE.]

PETER O. BISTRAN, defendant, Pro se, WEST CHESTER,  
PA.

[O]>[PROPOSED]<O]      **ORDER**      **VACATING**  
**JUDGMENT**

Hon. Dale A. Kimball

Having considered the Stipulation and Joint Motion to Vacate filed by plaintiff UTCO Associates, Ltd. ("UTCO") and defendants PaineWebber, Inc. ("PaineWebber") and Pasquale A. Basile ("Basile"), and good cause appearing therefore,

THE COURT ORDERS AND DECREES, that the Memorandum Decision and Order Denying Plaintiffs' Motion for Partial Summary Judgment and Granting Defendants' Cross-Motion for Summary Judgment, filed May 7, 1998, the Amended Memorandum Decision and Order Denying Plaintiffs' Motion for Partial Summary Judgment and Granting Defendants' Cross-Motion for Summary Judgment, filed May 18, 1998, and the Judgment entered on November 8, 2000, are hereby vacated as to UTCO only, including all [\*1278] findings of fact and conclusions of law therein with respect to UTCO and its principal, Robert Kent, only. This Order does not vacate the Memorandum Decisions or the Judgment with respect to Sunrise Financial or with respect to any persons or entities who assigned their claims to UTCO and/or Sunrise Financial. The [\*\*3] clerk is directed to submit this Order for publication.

DATED: October 16, 2001.

Hon. Dale A. Kimball

Judge, District of Utah