

Gabby Petito Case Update: Utah Court to Hear Arguments on Moab's Motion for Summary Judgment on November 20, 2024

Earlier this year, on April 26, 2024, the City of Moab moved to dismiss Mr. Petito and Mrs. Schmidt's lawsuit (Case No. 220700046).

SALT LAKE CITY, UT, UNITED STATES,
November 15, 2024 /

EINPresswire.com/ -- Earlier this year, on April 26, 2024, the City of Moab moved to dismiss Mr. Petito and Mrs. Schmidt's lawsuit (Case No. 220700046). In its motion, it invokes immunity under the Utah

Governmental Immunity Act, arguing that it cannot be held liable for Gabby's death because she was murdered by her fiancé. This basis for immunity was challenged under the wrongful death clause to the Utah Constitution in the 1996 case of Tiede v. State. In that case, the Utah Supreme Court upheld the constitutionality of this basis for immunity. The City of Moab relies on this case in its motion.

Mr. Petito and Mrs. Schmidt filed a brief with the court opposing Moab's motion to dismiss. As their brief notes, Moab essentially argues that "when a child dies due to the negligence of a city and an assault and battery of a third party, the law leaves her parents without remedy." But, they note, "this was not the view held by those who settled this state." They marshal evidence showing that when Utah first achieved statehood, municipalities—like Moab—could be sued for wrongful death. Ultimately, they ask the Court to declare the governmental immunity act unconstitutional and note that "doing so will return Utah law to its original understanding and restore to those within this state the protections intended by Utah's founders."

Through their attorneys at the law firm of Parker & McConkie

(<https://www.parkerandmconkie.com/>), Gabby's parents, Mr. Petito and Mrs. Schmidt, released the following statement: "We remain undeterred in our commitment to seek justice for Gabby, accountability for Moab and change that will help protect other victims of domestic violence. We are confident that the Utah Constitution preserves the right to recover for wrongful death claims

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under these circumstances, and trust that Utah courts will ultimately uphold that right. We express gratitude to the many people around the country who have continued to support us in our fight for Gabby."

Since the submission of their opposition, Moab has filed its reply brief, and the motion has been set for a hearing on November 20, 2024. At the hearing, the parties will present their arguments to the Court and answer the Court's questions. Interested parties can attend the hearing online through the following WebEx link:

<https://utcourts.webex.com/utcourts/j.php?MTID=mad1adfe01407c2da105e1a0a4a00e1e0>.

Notice of the hearing and full briefing on the motion may be accessed here:

<https://www.parkerandmconkie.com/blog/gabby-petito-case-update-utah-court-to-hear-arguments-on-moabs-motion-for-summary-judgment-on-november-20-2024/>

All documents filed in the litigation are available on the court's website for Utah Case No. 220700046.

Parker & McConkie trial attorneys have been recognized for their expertise and long-standing commitment to standing up for the civil rights and protection of vulnerable groups and individuals, including victims of domestic violence like Gabby.

For more information, interviews, and other media requests, please contact david.watkins@otterpr.com and visit www.parkerandmconkie.com.

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David Watkins
Otter PR
[email us here](#)

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