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**IN THE THIRD JUDICIAL DISTRICT COURT, SALT LAKE DEPARTMENT
SALT LAKE COUNTY, STATE OF UTAH**

In re:

Utah House of Representatives
Special Investigative Committee
Subpoena of Softwise, Inc.,
Dated October 4, 2013

**MOTION OF THE SPECIAL
INVESTIGATIVE COMMITTEE
UNDER § 36-14-5 TO COMPEL
OBEDIENCE TO A SUBPOENA
ISSUED TO SOFTWISE, INC.**

Civil No. 130907548

Judge: Su Chon

The Special Investigative Committee of the Utah House of Representatives (the “Special Committee”), by and through its undersigned attorneys, brings this motion under Utah Code § 36-14-5(2)(a)(i) for an order, in substantially the form of the attached proposed order, compelling Softwise, Inc. (“Softwise”) to obey a document subpoena issued by the Special Committee on October 4, 2013. The subpoena by its terms required Softwise to produce all responsive material by October 21, 2013. Softwise has refused to produce a single document in response to the subpoena. This Court’s intervention is necessary and appropriate to compel Softwise’s obedience.

As explained in more detail in the accompanying memorandum of law, this Court should compel Softwise's full compliance with the terms of the Special Committee's October 4 subpoena. The refusal by Softwise to comply with a lawful and reasonable legislative subpoena gravely impedes the ability of the Special Committee to fulfill its important mandate to investigate allegations of misconduct against Attorney General John Swallow. The Special Committee has broad authority to subpoena the communications in question, and its subpoena – which is authorized by statute, issued for a concededly valid legislative purpose, and relevant to the issues the Committee is investigating – is neither unreasonable nor oppressive. This is particularly true since Softwise has represented that it has already collected and reviewed all responsive materials, meaning that Softwise's compliance entails merely transferring the reviewed materials to the Special Committee. The Committee has offered, and is still willing to enter into, a stipulation that provides adequate protection to any valid confidentiality concerns.

The Special Committee believes that argument from counsel will assist the court in its consideration of the issues raised by this Motion, and accordingly requests a hearing.

DATED this 22nd day of November, 2013.

Respectfully submitted,

/s/ John L. Fellows

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CERTIFICATE OF SERVICE

I certify that on November 22, 2013, a true and correct copy of the foregoing motion was served on the following by U.S. mail and electronic mail:

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