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Attorneys for Plaintiff NPEC, LLC

in the THIRD district court for SALT LAKE COUNTY, STATE OF UTAH		
NPEC, LLC, a Utah limited liability company, Plaintiff, v. GREGORY R. MILLER, an individual, Defendant.	ORDER ON MILLER'S MOTION TO VACATE VEXATIOUS LITIGANT ORDER Case No. 130905131 Judge Stone	

On October 7, 2021, this matter came before the Court on Defendant Gregory Ryan Miller's Motion to Vacate Vexatious Litigant Order (the "Motion to Vacate"). Plaintiff NPEC, LLC appeared through its counsel of record Evan S. Strassberg. Mr. Miller appeared pro se. Having considered the briefing on the Motion to Modify and the arguments presented at the hearing, and being apprised of the relevant law, the Court finds and ORDERS as follows:

1. The Motion to Vacate is DENIED.

2. The Court has previously found by clear and convincing evidence that Miller is a “vexatious litigant” as that term is defined under Utah R. Civ. P. 83.

3. The Court finds that there is a continued need for a vexatious litigant order in this matter, which need is demonstrated by, among other things, the fact that Miller has tried at least three times in the last year to raise issues going to the enforceability of the settlement agreement between the parties and the capacity of NPEC to enter into that agreement, both of which have been conclusively resolved.

4. The Court finds that the existing Rule 83 order is inadequate and ineffective.

5. The Court finds by clear and convincing evidence that there is no reasonable probability that Miller will prevail on any claim at issue in this matter, primarily because Miller has already lost on all substantive issues and this Court’s rulings have been repeatedly affirmed on appeal and are subject to the mandate rule.

6. The Court hereby enters a modified Rule 83 order on the following terms:

a. Miller may not file anything further in this action unless and until he obtains legal counsel and such counsel formally appears in this matter on his behalf. Any further filings in this action must be filed by such counsel of record.

b. These restrictions shall apply only in this proceeding, and any restrictions previously imposed by this Court on Miller’s filings in other actions—whether express or implied—are hereby lifted. However, nothing in this Order is intended to or shall be construed to modify any filing restrictions imposed by any other court.

APPROVED AS TO FORM:

/s/ Gregory R. Miller*

Gregory R. Miller
Defendant Pro Se

*Signature affixed with written permission

**[EXECUTED AND ENTERED BY THE COURT AS INDICATED BY THE DATE AND
SEAL IN THE TOP RIGHT OF THE FIRST PAGE]**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 2021, I caused a true and correct copy of the foregoing document to be served by email upon the following:

Gregory R. Miller
gmler0125@gmail.com

/s/Evan S. Strassberg
