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

In the Matter of the Catherine Walden Trust, Therese Diamond, Petitioner, vs. John Diamond and Allie Diamond, Respondents.	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER OF DEFAULT JUDGMENT Case No. 253900477 Judge Chelsea Koch
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This matter came before the Court on the unopposed Motion for Default Judgment as a Discovery Sanction filed April 15, 2026. (DKT 71). Respondents did not timely oppose the Motion. A hearing was held on July 18, 2026. Despite having not responding to the Motion, Mr. John Diamond appeared at the hearing representing himself¹ and Ms. Diamond, who did not appear at the hearing.

Having reviewed the relevant documents, and good cause appearing, the Court finds and concludes that default judgment is appropriate in this matter. In the more than year that this case has been pending, Respondents John Diamond and Allie Diamond presented no evidence to

¹ Mr. Diamond is a licensed attorney in Utah.

counter that they were acting in a fiduciary capacity when they withdrew \$137,775.50 identified in the forensic accounting conducted by Eide Bailly, nor have they presented evidence to counter that it was withdrawn solely for Respondents' benefit. Further such withdrawals and their apparent concealment, constitute breaches of the duties of loyalty, impartiality, and to inform and report. Thus, the withdrawals are fraud or defalcation while acting in a fiduciary capacity.

The Motion and Petition in this matter outline other alleged breaches such as the liquidation of Therese's personal property, the unauthorized use of her car, and the bait-and-switch campaign that Respondents' used to convince Therese to move from her home in Texas to a smaller condo in Utah that does not meet her needs and has an excessive HOA fees of \$760 per month.

It is clear from the record before the Court that Petitioner is entitled to a determination of what damages should be paid by Respondents to restore Petitioner to the position she would have been in had the many breaches not occurred, and to the profits made by the trustee by reason of the breach,

Further, Respondents have as outlined in the Motion, engaged in dilatory tactics throughout the proceedings, including failing to produce initial disclosures until a court ordered it; failing to adequately disclose or to supplement their initial disclosures; ignoring two court orders to mediate; failing to appear at a Rule-6-506 scheduling conference; ignoring discovery requests; and failing to comply with a court ordered discovery request. Moreover, Respondents never opposed this motion. Thus, Respondents have engaged in persistent dilatory tactics that have frustrated the judicial process, which includes willful refusal to follow court orders. Mr.

Diamond admitted at the hearing that he had not participated in litigation, failed to complete court ordered mediation on at least two occasions, had not participated in discovery as required by the rules, had ignored court orders and had failed to communicate with counsel. Mr. Diamond admitted that he had no good excuse for these failures other than being overwhelmed by his personal and work life. For these reasons, and those stated in the Motion and at the hearing, particularly where Respondents, as former fiduciaries for the Petitioner, had a duty to keep adequate records, and have refused to produce any of those records, the sanction of default is appropriate.

Petitioner is entitled to a judgment and is also entitled to present evidence of additional damages for which she may be entitled to additional compensation.

As a result, the COURT ORDERS, ADJUDGES, AND DECREES:

1. Judgment shall enter immediately against John Diamond and Allie Diamond, jointly and severally, in the amount of \$137,775.50, to accrue interest at 5.51% per annum until paid in full.
2. Respondent is awarded all her reasonable costs and attorney fees incurred in this matter, and all costs and attorney fees associated with collections.
3. Petitioner is entitled to request a hearing to determine what other damages may be appropriate.
4. Further, Respondents are ordered to immediately return to Therese all of her tangible personal property that is in their possession or control.

*****END OF ORDER*****

*****EFFECTIVE WHEN COURT'S SEAL IS AT TOP OF FIRST PAGE*****

CERTIFICATE OF DELIVERY

I certify that on the 30th day of April, 2026, I caused a true and correct copy of the foregoing to be delivered by efilng to all counsel of record:

John Diamond,
John@Law.Ninja
Pro se and counsel for Allie Diamond

/s/ Deborah L. Bulkeley