

EXHIBIT Q

040

The Order of the Court is stated below:

Dated: November 20, 2024
05:47:34 PM

/s/ CORAL SANCHEZ
District Court Judge



Suzette Rasmussen (15981)
ALL UTAH LAW PLLC
Michael K. Green (13989)
GREEN LAW OFFICE PLLC
136 W. 12300 S., Ste. B
Draper, Utah 84020
(801) 717-0821
suzette@allutahlaw.com
mike@mikegreenlegal.com

Alan W. Mortensen (6616)
Christopher J. Cheney (15572)
Joshua S. Ostler (14277)
MORTENSEN & MILNE
68 South Main Street, Suite 700
Salt Lake City, Utah 84101
Telephone: (801) 521-4444
amort@mortmilnelaw.com
ccheney@mortmilnelaw.com
jostler@mortmilnelaw.com
Attorneys for Petitioner

<p>IN THE THIRD JUDICIAL DISTRICT COURT SALT LAKE COUNTY, STATE OF UTAH</p>	
<p>CELESTE BORYS, Petitioner, v. TIMOTHY BALLARD, Respondent.</p>	<p>ORDER DENYING RESPONDENT TIMOTHY BALLARD'S OBJECTION TO SEXUAL VIOLENCE PROTECTIVE ORDER</p> <p>Case No.: 244903447 Judge: Coral Sanchez</p>

This matter came before the Court on Monday, October 28, 2024 from 1 pm to 4:30 pm via Webex as an evidentiary hearing on Respondent's Objection to the Sexual Violence Protective Order ("SVPO"). Petitioner Celeste Borys ("Ms. Borys") was represented by counsel Suzette Rasmussen and

041

Alan Mortensen, and Respondent Timothy Blain Ballard (“Mr. Ballard”) was represented by counsel Mark Eisenhut. The Honorable Judge Sanchez heard evidence *de novo*. Tyson Wright, Celeste Borys and Timothy Ballard were called as Petitioner’s witnesses. Each witness was cross examined. Respondent called Matthew Cooper and Janet Russon as witnesses. Each witness was cross examined. Respondent proffered the testimony of Todd and Tiffany Tueller, Brandi Smith, Ryan Williams and Alex Acosta. At the close of the hearing, the Honorable Judge Sanchez issued a ruling based upon a preponderance of the evidence.

The Court hereby finds as follows:

1. Timothy Ballard and Celeste Borys had a close relationship and interacted almost every day for a period of about one year.
2. Timothy Ballard and Celeste Borys interacted during normal work hours as executive assistant and interacted on evenings and weekends as COUPLES RUSE partners engaged in undercover activities for Operation Underground Railroad.
3. Ms. Borys felt close to Mr. Ballard and trusted Mr. Ballard.
4. Ms. Borys’ testimony about the incident in Lindon, Utah shows by a preponderance of the evidence that a sexual violent act occurred.
5. Ms. Borys’ testimony is credible and went into great detail about the act and described a piece of clothing that Ms. Borys believes that Mr. Ballard’s DNA evidence was found upon, to the point that she submitted her skirt to law enforcement so that it could be processed for DNA testing.
6. Ms. Borys did not consent to the sexual act that occurred in Lindon.

042

7. Ms. Borys' belief that she needs a protective order is justified in that Ms. Borys has observed Mr. Ballard lose his temper and make threats to other people that he has perceived to have wronged him, and that in recent public communications by Mr. Ballard, he has made indirect threats to her.
8. Prior to disclosing that Mr. Ballard sexually assaulted her, Ms. Borys sent text messages to Tyson Wright defending Mr. Ballard against sexual assault accusations from third-parties. Ms. Borys also sent a letter to the LDS Church defending Mr. Ballard. However, Ms. Borys testified that she was close to Mr. Ballard and trusted him. Given that at the time Ms. Borys sent the text messages and letter, Ms. Borys and Mr. Ballard were still close, it is reasonable to infer that Ms. Borys was still loyal to Mr. Ballard and protective of him.

IT IS HEREBY ORDERED THAT:

Respondent Timothy Ballard's Objection to Commissioner Luhn's issuance of a Sexual Violence Protective Order is denied and Commissioner Luhn's Sexual Violence Protective Order shall remain in place.

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

In accordance with Utah R. Civ. P. 10(e) and Utah State District Courts Efiling Standard No. 4, this Order does not bear the handwritten signature of the Court, but instead displays an electronic signature at the top of the first page of this Order.

Sexual Violence Protective Order



Court: 3rd District Court Salt Lake
Case No: 244903447 **District:** THIRD
County: SALT LAKE **State:** Utah
Judge: KRISTINE JOHNSON

Name of Petitioner
CELESTE BORYS

Address: [REDACTED]

Phone #: [REDACTED]

Date of Birth:

Petitioner's Attorney: *ALAN MORTENSEN, CHRISTOPHER CHENEY, JOSHUA OSTLER, MICHAEL GREEN, SUZETTE RASMUSSEN*

Attorney's Phone: *8015214444*

Other Person(s) Protected by this Order:

Name: *MIKE BORYS* **Age:**
Relationship to Respondent: *Other*

Name: *D T* **Age:**
Relationship to Respondent: *Other*

Name of Respondent
TIMOTHY BLAIN BALLARD

Address: [REDACTED]

Phone #:

Date of Birth:

Respondent's Attorney: *MARK EISENHUT, JORDAN WESTGATE*

Attorney's Phone: *949-717-3000*

Respondent Identifying Information:

Sex: **Race:**
Height: **Weight:**
Eyes: **Hair:**
Date of Birth: **SSN:**
Driver License #: **State:**

Expiration:

Distinguishing Features (Scars, Marks, Tattoos, etc):

Other Names Used:

1 There was a hearing held on: **OCTOBER 3, 2024**. Respondent was given notice and an opportunity to be heard in the hearing.

The following people were present at the hearing:

The Court reviewed the *Request for Sexual Violence Protective Order* and: received argument and evidence,

and makes the orders entered below.

The court finds by a preponderance of the evidence:

- 2 Petitioner seeks this order for their own protection.
- 3 Petitioner is not seeking this protective order on behalf of a child.
- 4 It has jurisdiction over the parties in this case.
- 5 Respondent and petitioner are not cohabitants or dating partners.

6 Petitioner has been subjected to sexual violence by the respondent.

The court orders:

Respondent must obey all provisions entered in this document.

This protective order expires in three years, on 10-03-2027. Petitioner can file a motion to extend the order before it expires. (Utah Code 78B-7-505)

Violation of this order is a criminal Class A Misdemeanor, punishable by up to 364 days in jail and a fine.

7 **No Contact Order**

Respondent may not contact, phone, text, mail, e-mail, or communicate in any way with the petitioner and the people listed in this order either directly or indirectly.

8 **Stay Away Order**

Stay at least **250 FEET** from petitioner.

Stay away from petitioner's

Home

Work

Must comply with the following restrictions while at respondent's and petitioner's

Work:

School:

Place of worship:

Stay away from the people listed in this order at their home, work, school, and place of worship and the following other places:

PETITIONER'S HOME:

PLACE OF WORSHIP:

Comply with the following restrictions while at the work, school, and place of worship that respondent and the people listed in this order have in common:

Other Orders

Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

Expiration Date: 10-03-2027

Dated: October 03, 2024
11:48:36 AM

At the direction of:
/s/ KIM M LUHN
District Court Commissioner

by

/s/ BRITTANY BIRRELL
Court Clerk

- Respondent completes this section -

By signing here, the respondent approves the form, and accepts service of this Protective Order and waives the right to be personally served.

Respondent's Address

Respondent's Signature:

Dated: October 03, 2024
11:49:23 AM

At the direction of:
/s/ HEATHER BRERETON
District Court Judge

by

/s/ BRITTANY BIRRELL
Court Clerk