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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

BAM FRANCHISING, INC., a Delaware corporation; AMMON MCNEFF, an individual; MATTHEW MCNEFF, an individual; JOSH JOHNSON, an individual; BRANDON BEST, an individual; BAKER BRICKS, LLC, a Utah limited liability company, and dba SALEM-BAKER BRICKS INC., an Oregon corporation,

Plaintiffs,

vs.

BENJAMIN PAUL SCHNEIDER, an individual, dba and aka “RECKLESS BEN”; RECKLESS BEN LLC, a California limited liability company; BRYAN MANSELL, an individual; VICTOR NGUYEN, an individual; and DOES 1-15,

Defendants.

**JOINT MOTION AND STIPULATION
REGARDING (1) DEFENDANTS’
MOTION TO SUPPLEMENT THEIR
UPEPA MOTION WITH NEW
EVIDENCE AND (2) CORRESPONDING
BRIEFING SCHEDULE**

Case No. 2:26cv593

Judge David Barlow

Magistrate Judge Cecilia M. Romero

Plaintiffs BAM Franchising Inc., Ammon McNeff, Matthew McNeff, Josh Johnson, Brandon Best, Baker Bricks, LLC and Salem-Baker Bricks Inc. (“**Plaintiffs**”), on the one hand, and Defendants Benjamin Paul Schneider (“**Schneider**”), Reckless Ben LLC (“**Reckless Ben**”)

and Victor Nguyen (“**Victor**”) (collectively, “**Defendants**”), on the other hand, jointly stipulate and hereby move for entry of an order granting Defendants leave to supplement their Special Motion for Expedited Relief and For Partial Dismissal of Plaintiffs’ Verified Complaint (“**UPEPA Motion**”) with new evidence, as requested in their Motion to Supplement the UPEPA Motion (“**Motion to Supplement**”) and setting a corresponding briefing schedule as set forth below.

Relief Requested

On September 18, 2026, Defendants filed their UPEPA Motion. On October 1, 2026, Defendants filed a Motion to Supplement with new evidence. Rather than engage in briefing on whether the Motion to Supplement should be granted, the parties have agreed to stipulate to allow Defendants to supplement their UPEPA Motion, subject to the stipulated briefing schedule set forth herein.

The parties therefore respectfully request that the Court enter an order providing as follows:

1. Defendants’ Motion to Supplement shall be granted;
2. Within twenty-one (21) days of entry of the Order on this Stipulated Motion, Defendants may file a supplemental memorandum in support of their UPEPA Motion; and
3. The filing of Defendants’ supplemental memorandum will restart the 28-day time period for Plaintiffs to respond to the UPEPA Motion.

This Stipulation shall not be construed as an admission by any party regarding the veracity, relevance, or admissibility of the additional evidence Defendants seek to include by supplement, nor as a waiver of any rights under the Uniform Public Expression Protection Act, Utah Code § 78B-25-101 et seq., or otherwise.

A proposed order granting the instant Joint Motion and Stipulation is submitted herewith.

DATED this 9th day of October, 2026.

DENTONS DURHAM JONES PINEGAR P.C.

/s/ Wm. Kelly Nash

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Justin Rich

Attorneys for Plaintiffs

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/s/ Melinda K. Bowen

R. Scott Young

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Hailey Winn

*Attorneys for Defendants Benjamin Paul Schneider,
Reckless Ben LLC, and Victor Nguyen*

CERTIFICATE OF SERVICE

This is to confirm that a true and correct copy of the foregoing was electronically filed on October 9, 2026 to counsel of record for the parties represented.

/s/ Kaitlin Blaker