

IN THE UTAH COURT OF APPEALS

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Lynn Hall,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	Case No. 20091016-CA
)	
v.)	F I L E D
)	(February 25, 2010)
Tamra Dewey,)	
)	2010 UT App 45
Defendant and Appellant.)	

Third District, Salt Lake Department, 050908408
The Honorable Glenn K. Iwasaki

Attorneys: Peter D. Goodall, West Valley City, for Appellant
Russell T. Monahan, Salt Lake City, for Appellee

Before Judges Thorne, Voros, and Greenwood.¹

PER CURIAM:

Tamra Dewey appeals the trial court's denial of her motion to arrest judgment pursuant to rule 60(b) of the Utah Rules of Civil Procedure. This is before the court on its own motion for summary disposition based on the lack of a substantial question for review. We affirm.

After Dewey failed to comply with discovery requirements, including ignoring an order compelling discovery, her answer was struck and judgment was entered against her in May 2006. In September 2009, Dewey retained counsel and filed a motion to arrest the judgment pursuant to rule 60(b). The trial court denied her motion, noting that it was filed years after the judgment and it established no adequate basis for relief.

Rule 60(b) provides that a trial court may grant relief from judgment if any of the enumerated grounds are established. See Utah R. Civ. P. 60(b). Motions for relief under rule 60(b) must be made within a reasonable time and, for some grounds, no longer

¹The Honorable Pamela T. Greenwood, Senior Judge, sat by special assignment pursuant to Utah Code section 78A-3-102 (2008) and rule 11-201(6) of the Utah Rules of Judicial Administration.

than three months after the entry of judgment. See id. This court reviews the denial of a motion to set aside a judgment pursuant to rule 60(b) for abuse of discretion. See Franklin Covey Client Sales v. Melvin, 2000 UT App 110, ¶ 9, 2 P.3d 451. Furthermore, the scope of review of trial court orders denying rule 60(b) relief is limited. See id. ¶ 19. On appeal from a rule 60(b) order, the appellate court "addresses only the propriety of the denial or grant of relief." Id. (internal quotation marks omitted). The reviewing court will not reach the merits of the underlying judgment. See id. Review of rule 60(b) orders "must be narrowed in this manner lest [r]ule 60(b) become a substitute for timely appeals." Id.

Dewey fails to present an issue warranting further review by this court because she has not identified trial court error in the ruling on the 60(b) motion. Rather, she reargues the motion attacking the entry of judgment. In doing so, she ignores the actual posture of the case and the standard of review. "[A]n appellant must allege the [trial] court committed an error that the appellate court should correct. . . . If an appellant fails to allege specific errors of the [trial] court, the appellate court will not seek out errors in the [trial] court's decision." Allen v. Friel, 2008 UT 56, ¶ 7, 194 P.3d 903. Because Dewey has not stated an issue regarding the denial of the motion, she has failed to state a substantial issue meriting further consideration by this court. See Utah R. App. P. 10.²

Affirmed.

William A. Thorne Jr., Judge

Pamela T. Greenwood,
Senior Judge

I CONCUR IN THE RESULT:

²Dewey also asserts that the execution on the judgment is a taking. However, the writ of execution is a separate appealable order, see Cheeves v. Williams, 1999 UT 86, ¶ 50, 993 P.2d 191, and is beyond the scope of the motion to set aside the 2006 default judgment.

J. Frederic Voros Jr., Judge