

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Susan Masley Thomas nka Susan Graham,)	MEMORANDUM DECISION
)	(Not For Official Publication)
)	
Petitioner and Appellee,)	Case No. 20040364-CA
)	
v.)	F I L E D
)	(October 14, 2005)
John Gurr Thomas,)	
)	2005 UT App 440
Respondent and Appellant.)	

Third District, Salt Lake Department, 024900734
The Honorable Leslie A. Lewis

Attorneys: John Gurr Thomas, Salt Lake City, Appellant Pro Se
Michael Studebaker, Ogden, for Appellee

Before Judges Billings, Bench, and Thorne.

THORNE, Judge:

John Gurr Thomas appeals from the trial court's grant of judgment for child care costs pursuant to Susan Graham's motion to show cause. We affirm.

"It is well established that a reviewing court will not address arguments that are not adequately briefed." State v. Thomas, 961 P.2d 299, 304 (Utah 1998). Adequate briefing will be found when an appellant presents this court with both issues and reasoned analysis supported by developed authority. See id. at 305. However, "[i]ssues not briefed by an appellant are deemed waived and abandoned." American Towers Owners Ass'n, Inc., v. CCI Mech. Inc., 930 P.2d 1182, 1185 n.5 (Utah 1996).

Pursuant to the parties' divorce decree, Graham asked Thomas to pay one-half of certain child care costs that she asserted resulted from legitimate work-related need. Thomas refused and Graham filed a motion to show cause to compel him to pay. After the trial court referred the matter to a court commissioner, Thomas responded. However, his arguments are best described as arguments for modification of the divorce decree, and not as responsive to Graham's motion. As a result, the commissioner issued a recommendation in favor of Graham's motion and submitted

it to the trial court. The trial court, in the absence of any objection as to either the content or the form of the recommendation, signed the order and directed Thomas to pay the outstanding child care costs, as well as Graham's attorney fees associated with the motion.

On appeal, Thomas renews the arguments that he presented to the commissioner, which are still best described as arguments in favor of a modification of his divorce decree. He does not directly address the trial court's order, or present any reason that would support a decision reversing the trial court's order. Thus, we conclude that Thomas has waived any argument concerning the trial court's order. See id. Moreover, were we to overlook Thomas's waiver of this argument, his argument is still unavailing because his briefing of the child care expense issue is inadequate to give this court the opportunity to meaningfully review the trial court's decision.¹

Accordingly, we affirm the trial court's order and remand this case for the trial court to award Graham her reasonable attorney fees resulting from this appeal.

William A. Thorne Jr., Judge

WE CONCUR:

Judith M. Billings,
Presiding Judge

Russell W. Bench,
Associate Presiding Judge

¹Similarly, Thomas also failed to raise with the trial judge any direct challenge to Graham's Motion for Order to Show Cause. Consequently, his own response doomed his opposition to Graham's motion, although it is clear from the record before the commissioner that Thomas believed Graham's child care expenses were unwarranted. Moreover, Thomas's failure to object to the commissioner's recommendations before the trial judge may have operated as an affirmative waiver of his defenses to Graham's motion, although we need not decide that issue today.