

IN THE UTAH COURT OF APPEALS

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C & A Construction, Inc.,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellant,)	
)	Case No. 20070611-CA
v.)	
)	F I L E D
Fire Services, Inc.,)	(November 8, 2007)
)	
Defendant and Appellee.)	2007 UT App 365

Fourth District, American Fork Department, 060100822
The Honorable Derek P. Pullan

Attorneys: Richard D. Bradford and Margot W. Edwards, Provo, for
Appellant
Robert R. Wallace and Michael D. Johnston, Salt Lake
City, for Appellee

Before Judges Bench, Davis, and Thorne.

PER CURIAM:

C & A Construction, Inc. (C & A) appeals the trial court's order granting Fire Services, Inc.'s (Fire Services) motion for a judgment notwithstanding the verdict and dismissing the case. This is before the court on its own motion for summary disposition.

The trial court entered its order on June 18, 2007. C & A's notice of appeal was filed with the district court on July 19, 2007, thirty-one days after the entry of the order appealed.

Pursuant to rule 4 of the Utah Rules of Appellate Procedure, a notice of appeal must be filed within thirty days of the entry of the order or judgment appealed. See Utah R. App. P. 4(a). C & A's notice of appeal was filed more than thirty days after the entry of the order, and is, thus, untimely. If an appeal is not timely filed, this court lacks jurisdiction to consider the appeal and must dismiss it. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶ 7, 13 P.3d 616.

C & A asserts in its documents that the notice of appeal was filed on July 16, 2007. The notice of appeal was signed on July 16. However, it was not filed in the district court until July 19, as indicated on the court date stamp. This court is bound by the filing date indicated on the notice of appeal. See In re M.S., 781 P.2d 1287, 1288 (Utah Ct. App. 1989) (per curiam).

Dismissed.

Russell W. Bench,
Presiding Judge

James Z. Davis, Judge

William A. Thorne Jr., Judge