

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Earl L. Cline II,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellant,)	
)	Case No. 20080587a-CA
v.)	
)	
<u>State of Utah</u> , et al.,)	F I L E D
including employees listed as)	(October 17, 2008)
various Does below; Edson F.)	
Packer and Sharon B. Packer,)	2008 UT App 368
et al.; Julie Camp aka Julie)	
Cline; Dr. Natalie Malovich,)	
et al.; Steve Wall, et al.;)	
Vicki Sharp; Dr. Kevin)	
Brown; Associated Clinical and)	
Counseling Psychologists; Wall)	
and Wall; Fred Bobo; Wasatch)	
County Sheriffs Office;)	
Officer Zeila Reid; Dean)	
Evans; and Does 1-40,)	
)	
Defendants and Appellees.)	

Fourth District, Provo Department, 050401710
The Honorable Fred D. Howard

Attorneys: Earl L. Cline II, West Jordan, Appellant Pro Se
Mark L. Shurtleff and J. Clifford Petersen, Salt Lake
City, for Appellee

Before Judges Greenwood, Thorne, and Orme.

PER CURIAM:

Earl L. Cline II appeals from the final order of the trial court dismissing the last defendants from his lawsuit. This is before the court on the State's motion for summary disposition, which asserts that the June 9, 2008, order awarding rule 11 sanctions is not within the scope of this court's jurisdiction.

In January 2008, the trial court ruled in favor of the remaining defendants and ordered them dismissed. The formal order of dismissal was entered on February 29, 2008. After the

ruling but before the final order was entered, Cline filed a motion to amend his complaint.

The State sought sanctions under rule 11 of the Utah Rules of Civil Procedure, asserting that Cline's motion to amend as it related to the State had no basis in law or fact. See Utah R. Civ. P. 11. The State's motion was served on Cline before the entry of the final judgment and filed with the court in March 2008. As a result, although the final substantive order regarding the merits of the case was entered in February, there were two matters outstanding in the trial court which required resolution before appeal: the motion to amend and the motion for sanctions.

After hearing, the trial court entered two orders on June 9, 2008. One order denied Cline's motion to amend his complaint. The second order granted the State's motion for sanctions and awarded attorney fees. The entry of these orders resolved the outstanding matters and constituted the final orders for purposes of appeal.

Cline timely filed his notice of appeal within thirty days of the June 9 orders. Although the June 9 orders initiated the time for appeal, Cline's notice of appeal made no reference to them. Cline identified only the final order entered on February 29, 2008, as the order appealed from.

Rule 3 of the Utah Rules of Appellate Procedure requires that a notice of appeal "designate the judgment or order, or part thereof, appealed from." Utah R. App. P. 3(d). It is well-established that this requirement is jurisdictional because "the object of a notice of appeal is to advise the opposite party that an appeal has been taken from a specific judgment in a particular case." Jensen v. Intermountain Power Agency, 1999 UT 10, ¶ 7, 977 P.2d 474. A responding party "is entitled to know specifically which judgment is being appealed." Id. (citation and internal quotation marks omitted).

Here, the specific judgment identified was the February 29 order. Cline did not identify either of the June 9 orders as within the scope of his appeal although those orders started the time to file the appeal. The two orders were not the substantive core of the case and are not necessarily encompassed in the final judgment. To the contrary, the orders were postjudgment orders, not directly related to the final judgment. Although interim orders related to the final order may be within the scope of appeal without being specifically identified in the notice of appeal, see Scudder v. Kennecott Copper Corp., 886 P.2d 48 (Utah 1994), these two postjudgment orders are not interim orders. Accordingly, to be within the scope of the appeal, they were

required to have been specifically identified in the notice of appeal.

For the foregoing reasons, this court lacks jurisdiction to consider any claims related to the June 9 orders. Consequently, we grant the State's motion to limit the scope of this appeal, and we will not address issues related to the June 9 orders. As the State is involved in this appeal only by reason of the June 9 orders, its motion to be dismissed is well-taken, and the State is hereby dismissed.

Pamela T. Greenwood,
Presiding Judge

William A. Thorne Jr.,
Associate Presiding Judge

Gregory K. Orme, Judge