

IN THE UTAH COURT OF APPEALS

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Collier Management &)	MEMORANDUM DECISION
Development Company, Inc.,)	(Not For Official Publication)
)	
Plaintiff and Appellee,)	Case No. 20090843-CA
)	
v.)	
)	F I L E D
)	(December 30, 2010)
<u>Jason Fox; Steven R. Fox;</u>)	
<u>Marilyn Fox; Chris Wright; and</u>)	
<u>Noble House Series C, LLC,</u>)	2010 UT App 390
)	
Defendants and Appellants.)	

Third District, Salt Lake Department, 080926818
The Honorable Kate A. Toomey

Attorneys: Jason Fox, North Salt Lake; and Steven R. Fox,
Huntington Beach, California, Appellants Pro Se
Robert W. Hughes, Salt Lake City, for Appellee

Before Judges Orme, Roth, and Christiansen.

CHRISTIANSEN, Judge:

This matter is before the court on a sua sponte motion for summary disposition. Pursuant to our temporary remand, the district court reviewed the filings and, on December 8, 2010, entered a memorandum decision and order setting aside its summary judgment and providing defendants Jason and Steven Fox an opportunity to respond to Plaintiff Collier Management's motion. We therefore dismiss the appeal of Jason and Steven Fox as moot. See Frito-Lay v. Utah Labor Comm'n, 2009 UT 71, ¶ 33, 222 P.3d 55 ("An appeal is moot if during the pendency of the appeal circumstances change so that the controversy is eliminated, thereby rendering the relief requested impossible or of no legal effect.").

Michele M. Christiansen, Judge

WE CONCUR:

Gregory K. Orme, Judge

Stephen L. Roth, Judge