

IN THE UTAH COURT OF APPEALS

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Gene V. Crawford and Sherry T.)	MEMORANDUM DECISION
Crawford dba Val-Dev, LLC,)	(Not For Official Publication)
)	
Plaintiffs and Appellants,)	Case No. 20070380-CA
)	
v.)	
)	F I L E D
)	(February 22, 2008)
CBS Outdoor, Inc. and National)	
Advertising Company,)	2008 UT App 51
)	
Defendants and Appellees.)	

Third District, Salt Lake Department, 060914381
The Honorable Frank G. Noel
The Honorable Vernice S. Trease

Attorneys: Steve K. Gordon, R. Stephen Marshall, and Chad J.
Pomeroy, Salt Lake City, for Appellants
Donald L. Dalton, Salt Lake City, for Appellees

Before Judges Thorne, Bench, and Billings.

PER CURIAM:

Gene and Sherry Crawford (the Crawfords) appeal the district court's order dismissing their complaint on the basis that it was filed after the expiration of the statute of limitations. We affirm.

On September 1, 2006, the Crawfords filed suit against CBS Outdoor, Inc. and the National Advertising Company (NAC) for NAC's alleged breach of a lease agreement.¹ NAC moved to dismiss the complaint. The district court granted NAC's motion, agreeing that the applicable statute of limitations had run.

On appeal, the Crawfords assert that the district court erred in dismissing their complaint. The Crawfords allege that their claim did not accrue until their permit for an outdoor advertising sign was validated on August 2, 2002. Thus, their 2006 action would fall within the six-year statute of

1. NAC is now CBS Outdoor, Inc.

limitations. See Utah Code Ann. § 78-12-23(2) (2007). NAC argues that if it breached the lease in 1996 and the alleged damages run from that time, then the Crawfords' cause of action accrued at that time.

A trial court's determination of whether a statute of limitations has expired is a question of law reviewed for correctness. See State v. Huntington-Cleveland Irrigation Co., 2002 UT 75, ¶ 11, 52 P.3d 1257. A cause of action accrues when "it becomes remediable in the courts, that is when the claim is in such condition that the court can proceed and give judgment if the claim is established." Id. at ¶ 24. The Crawfords' cause of action became remediable once they were damaged by NAC's breach. The Crawfords allege that their damages began to accrue in 1996. Therefore, the Crawfords' cause of action accrued at that time. Thus, the statute of limitations had run by the time the Crawfords filed this action in 2006. See Utah Code Ann. § 78-12-23(2).

Accordingly, the district court's order dismissing the Crawfords' action is affirmed.

William A. Thorne Jr.,
Associate Presiding Judge

Russell W. Bench, Judge

Judith M. Billings, Judge