

IN THE UTAH COURT OF APPEALS

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Mary Darlington, the heir of)	MEMORANDUM DECISION	
Sarah Elizabeth Darlington,)	(Not For Official Publication)	
deceased,)		
)	Case No. 20060487-CA	
Plaintiff and Appellant,)		
)	F I L E D	
v.)	(September 8, 2006)	
)		
Willow Wood Care Center,)	<table border="1"><tr><td>2006 UT App 370</td></tr></table>	2006 UT App 370
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)		
Defendant and Appellee.)		

Third District, Salt Lake Department, 050919206
The Honorable L.A. Dever

Attorneys: D. Christopher Vancampen, Provo, for Appellant
Brian P. Miller and Derek J. Williams, Salt Lake
City, for Appellee

Before Judges Davis, McHugh, and Orme.

PER CURIAM:

Mary Darlington appeals the trial court's dismissal of her complaint for failure to comply with the Utah Health Care Malpractice Act (the Act). See Utah Code Ann. § 78-14-1 to -17 (2002 & Supp. 2006). This is before the court on appellee Willow Wood Care Center's (Willow Wood) motion for summary disposition based on the lack of a substantial question for review. Darlington did not respond to the motion.

After the death of her mother, Darlington filed a complaint against Willow Wood alleging causes of action for negligence, wrongful death, and loss of consortium. Under the Act, a plaintiff suing a health care provider must follow specified steps, including giving at least ninety days prior notice before commencing the action, see id. § 78-14-8, and participating in a prelitigation panel review, see id. § 78-14-12. It is undisputed that the Act applies and that Darlington did not follow either of these required steps before initiating the litigation. "If [the Act's] requirements are not fully met, the action will be dismissed." Carter v. Milford Valley Mem. Hosp., 2000 UT App

21, ¶13, 996 P.2d 1076; see also Smith v. Four Corners Mental Health Ctr., Inc., 2003 UT 23, ¶37, 70 P.3d 904.

Because Darlington did not comply with the Act, the trial court correctly dismissed her complaint. Accordingly, the dismissal of Darlington's complaint is affirmed.

James Z. Davis, Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge