

IN THE UTAH COURT OF APPEALS

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EPN, Inc.,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellee,	)	Case No. 20090092-CA
	)	
v.	)	F I L E D
	)	(April 2, 2009)
Jeffrey B. Larsen,	)	
	)	2009 UT App 87
Defendant and Appellant.	)	

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Fourth District, Provo Department, 080404299  
The Honorable Claudia Laycock

Attorneys: Jeffrey B. Larsen, Spanish Fork, Appellant Pro Se  
Kevin G. Richards, Provo, for Appellee

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Before Judges Greenwood, Orme, and Davis.

PER CURIAM:

Jeffrey B. Larsen appeals the default judgment entered against him on January 2, 2009. However, there is no need to resolve the issues raised by Larsen because they are moot.

"An issue on appeal is considered moot when the requested judicial relief cannot affect the rights of the litigants. When an issue is moot, judicial policy dictates against our rendering an advisory opinion." State v. Sims, 881 P.2d 840, 841 (Utah 1998) (internal quotation marks omitted). The district court entered a default judgment against Larsen on January 2, 2009. However, on the same date that Larsen filed his notice of appeal, the district court issued a ruling setting aside the default judgment after discovering that Larsen had timely filed an answer to EPN, Inc.'s complaint.<sup>1</sup> Therefore, because the district court has already provided Larsen with the relief he sought in this court, i.e., reversal of the default judgment,

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<sup>1</sup>Apparently EPN, Inc. had not timely filed a copy of its complaint with the district court. This led to the answer being temporarily misfiled.

this court can no longer issue judicial relief that can affect the rights of the litigants.

This case is dismissed as moot.

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Pamela T. Greenwood,  
Presiding Judge

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Gregory K. Orme, Judge

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James Z. Davis, Judge