

IN THE UTAH COURT OF APPEALS

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Citibank (South Dakota) NA)	MEMORANDUM DECISION	
aka AT&T Universal Card,)	(Not For Official Publication)	
)		
Plaintiff and Appellee,)	Case No. 20060159-CA	
)		
v.)	F I L E D	
)	(August 17, 2006)	
)		
R. John Forte,)	<table border="1"><tr><td>2006 UT App 344</td></tr></table>	2006 UT App 344
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Defendant and Appellant.)		

Third District, West Jordan Department, 050102534
The Honorable Terry Christiansen

Attorneys: R. John Forte, Sandy, Appellant Pro Se
Erik A. Christiansen and Damon J. Georgelas, Salt
Lake City, for Appellee

Before Judges Bench, Billings, and Thorne.

PER CURIAM:

Defendant appeals the trial court's order denying his motion to set aside a default judgment under rule 60(b) of the Utah Rules of Civil Procedure. We affirm.

Plaintiff served Defendant with the complaint in this action on April 24, 2005. Defendant failed to file an answer. On June 16, 2005, the trial court entered a default judgment in favor of Plaintiff in the amount of \$19,769.12.

Defendant subsequently filed a motion to set aside the default judgment pursuant to rule 60(b). See Utah R. Civ. P. 60(b). However, Defendant failed to offer a reason for his failure to file a timely response to the complaint and failed to present a meritorious defense in support of his motion. After briefing, the trial court denied Defendant's motion for each of these reasons.

Defendant asserts that the trial court erred when it denied his motion to set aside the default judgment.¹ Although "judgments by default are disfavored by the law," Wright v. Wright, 941 P.2d 646, 649 (Utah Ct. App. 1997), "a trial court has broad discretion in deciding whether to set aside a default judgment." Lund v. Brown, 2000 UT 75, ¶9, 11 P.3d 277 (per curiam).

"To be relieved from the default, [Defendant] must show that his motion to set aside was timely, that he has a meritorious defense, and that the default occurred for a reason specified in rule 60(b)." "Black's Title, Inc. v. Utah State Ins. Dep't, 1999 UT App 330, ¶6, 991 P.2d 607. Defendant failed to make this showing to the trial court. On appeal, Defendant once again fails to argue a meritorious defense and fails to show that the "default occurred for a reason specified in rule 60(b)." Id.

Accordingly, we affirm.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

William A. Thorne Jr., Judge

1. Defendant's arguments on appeal are inadequately briefed. See Utah R. App. P. 24. However, based on the response provided by Plaintiff, we have elected to dispose of this appeal on the merits.