

IN THE UTAH COURT OF APPEALS

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Andrew Blackett, in his)
representative capacity on)
behalf of and for the benefit)
of the Heirs of Stanley K.)
Lucido and as personal)
representative of the Estate)
of Stanley K. Lucido,)
)
Plaintiff and Appellant,)
)
v.)
)
Deerbrook Insurance Company;)
Concentra Managed Care, Inc.;)
and Brian A. Davis, M.D.,)
)
Defendants and Appellees.)

MEMORANDUM DECISION
(Not For Official Publication)
Case No. 20090472-CA

F I L E D
(July 30, 2009)

2009 UT App 208

Third District, Salt Lake Department, 990908718
The Honorable John Paul Kennedy

Attorneys: Trent J. Waddoups and David G. Williams, Salt Lake
City, for Appellant
Christian W. Nelson and Zachary E. Peterson, Salt
Lake City, for Appellee Deerbrook Insurance Company
D. Craig Parry, Salt Lake City, for Appellee
Concentra Managed Care, Inc.
Bradley R. Blackham, Salt Lake City, for Appellee
Brian A. Davis, M.D.

Before Judges Greenwood, Bench, and Davis.

PER CURIAM:

Trent J. Waddoups, attorney for the estate of Stanley K.
Lucido, appeals from the entry of a money judgment on a
previously adjudicated sanctions award. This matter is before
the court on Defendants' joint motion for summary disposition.

Waddoups challenges the district court's April 21, 2009
entry of judgment reducing the September 7, 2007 sanction award
in favor of Deerbrook Insurance Co. (Deerbrook) to a money
judgment. The September 7, 2007 order provided the basis for the
sanction as well as the amount of the sanction. Waddoups

previously appealed the September 7, 2007 order.¹ This court summarily affirmed the district court's September 7, 2007 order. See Blackett v. Deerbrook Ins. Co., 2008 UT App 323U, para. 3 (mem.) (per curiam). Waddoups's petition for writ of certiorari to the Utah Supreme Court was denied.

Deerbrook subsequently requested that the district court reduce its sanction award against Waddoups to a money judgment for collection purposes, which was done on April 16, 2009. Based on this court's prior adjudication of the underlying sanction order, the issue presently before us is limited to whether the district court erred by reducing a previously affirmed final order for sanctions to a money judgment. We cannot say that the district court erred by entering a money judgment on the previously adjudicated sanction.

Waddoups also seeks to appeal issues which arose in the underlying litigation between the captioned parties. Those issues are beyond the scope of this appeal. The entry of an enforceable money judgment from sanctions does not re-open the underlying litigation for appellate review. Waddoups and the Defendants request attorney fees incurred on appeal. Requests for attorney fees are denied.

Affirmed.²

Pamela T. Greenwood,
Presiding Judge

Russell W. Bench, Judge

James Z. Davis, Judge

1. Waddoups now asserts that the September 7, 2007 order was not a final, appealable order. This argument lacks merit. An order is a final, appealable order once it ends the controversy between the parties and does not require further judicial action. See Salt Lake City Corp. v. Layton, 600 P.2d 538 (Utah 1979); see also State v. Leatherbury, 2003 UT 2, ¶ 9, 65 P.3d 1180. The September 7, 2007 order set forth the rationale and amount for the sanction as well as expressly stated that it was the final order in the matter.

2. Waddoups's motion for partial summary reversal or issuance of stay and his motion to file a supersedeas bond or writ of prohibition are denied as moot.