

IN THE UTAH COURT OF APPEALS

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Andrew Blackett, personal)	MEMORANDUM DECISION
representative of the Estate)	(Not For Official Publication)
of Stanley K. Lucido,)	
)	Case No. 20070831-CA
Plaintiff and Appellant,)	
)	F I L E D
v.)	(September 5, 2008)
)	
Deerbrook Insurance Co.;)	2008 UT App 323
Concentra Managed Care, Inc.;)	
and Brian A. Davis, M.D.,)	
)	
Defendants and Appellees.)	

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

Attorneys: Trent J. Waddoups, Salt Lake City, for Appellant
Christian W. Nelson and Michael K. Woolley, Salt Lake
City, for Appellee Deerbrook Insurance Co.
D. Craig Parry, Salt Lake City, for Appellee
Concentra Managed Care, Inc.
Bradley Blackham, Salt Lake City, for Appellee Brian
A. Davis, M.D.

Before Judges Thorne, Bench, and Orme.

PER CURIAM:

The estate of Stanley Lucido (Lucido) appeals from a jury verdict in favor of Defendants. This is before the court on Defendants' joint motion for summary disposition.

A docketing statement was filed in this case in October 2007, listing fifty-nine issues for review on appeal. Defendant Deerbrook Insurance Co. (Deerbrook) challenged the docketing statement as insufficient and sought summary dismissal of the appeal. This court declined to dismiss the appeal on the insufficient docketing statement but, rather, struck the docketing statement and required Lucido to file a new docketing statement with a reasonable statement of the issues, tying issues to specific trial court orders.

In July 2008, Lucido filed an amended docketing statement. Although the document included a list of the orders to be challenged on appeal, the statement of issues was identical to the first docketing statement, presenting fifty-nine issues, none of which present a substantial question for review on appeal. The issues as presented presume facts, are based on conclusory allegations, and generally present hypotheticals or broad legal questions. For example, the issues stated include the following:

What are the elements of a cause of action for breach of contract?; is the commission of a felony by an insurer and its agents "fairly debatable?"; and what is the "What?" The issues as stated do not present any question for review on appeal regarding trial court error.

An appeal is a resort to a superior court to review the decision of a lower court. See Allen v. Friel, 2008 UT 56, ¶ 14. Thus, to permit the exercise of appellate jurisdiction, "an appellant must allege the lower court committed an error that the appellate court should correct." Id. ¶ 7. The issues stated in the docketing statement do not identify any specific error of the trial court that would warrant reversal on appeal. Accordingly, there is no substantial question for review necessitating further consideration by this court, and this court may summarily affirm the order of the trial court. See Utah R. App. P. 10(e).

Affirmed.

William A. Thorne Jr.,
Associate Presiding Judge

Russell W. Bench, Judge

Gregory K. Orme, Judge