

IN THE UTAH COURT OF APPEALS

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Michael L. Sampson,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellee,)		
)	Case No. 20070937-CA	
v.)		
)		
<u>Reed Christensen</u> and)	F I L E D	
Cindy Christensen,)	(February 28, 2008)	
)		
Defendants and Appellant.)	<table border="1"><tr><td>2008 UT App 64</td></tr></table>	2008 UT App 64
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First District, Logan Department, 060102257
The Honorable Clint S. Judkins

Attorneys: Reed Christensen, Logan, Appellant Pro Se
 Brian G. Cannell, Logan, for Appellee

Before Judges Davis, McHugh, and Orme.

PER CURIAM:

Reed Christensen appeals the trial court's order granting summary judgment in favor of Michael Sampson. This is before the court on Sampson's motion for summary disposition based on the lack of a substantial question for review. We affirm.

Christensen asserts that the trial court erred in failing to make findings of fact in the order granting summary judgment. Summary judgment is appropriate only when there are no disputed issues of material fact. See Utah R. Civ. P. 56(c). Accordingly, "[f]indings of fact are unnecessary to support the granting of summary judgment." Mountain States v. Atkin, Wright & Miles, 681 P.2d 1258, 1261 (Utah 1984). Instead, summary judgment requires only that the trial court "issue a brief written statement of the ground" for granting summary judgment in the order. Utah R. Civ. P. 52(a). The trial court complied with the requirement for stating the ground for summary judgment under rule 52(a) and did not err in failing to make factual findings.

Additionally, Christensen failed to preserve the issue asserted on appeal. "In order to preserve an issue for appeal, the issue must be presented to the trial court in such a way that the trial court has an opportunity to rule on that issue."

438 Main St. v. Easy Heat, Inc., 2004 UT 72, ¶ 51, 99 P.3d 801. "Issues that are not raised at trial are usually deemed waived." Id. Christensen did not object to the form of the order below and therefore waived any issue regarding the sufficiency of the statement of facts in the trial court's order.

In response to the motion for summary disposition, Christensen notes that not all issues on appeal must be identified in the docketing statement. Rule 9(f) of the Utah Rules of Appellate Procedure provides that "[a]n issue not listed in the docketing statement may nevertheless be raised in appellant's opening brief." Utah R. App. P. 9(f). However, even given notice that he had not identified a substantial question for review, Christensen did not identify any additional issues for review in his response. Accordingly, there is no substantial question before the court warranting further consideration.

Affirmed.

James Z. Davis, Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge