

IN THE UTAH COURT OF APPEALS

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Rosalinde Schwemmer,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff,)	
)	Case No. 20080079-CA
v.)	
)	
Fred Schwemmer and Brunhilda)	F I L E D
Schwemmer,)	(March 27, 2008)
)	
Defendants and Appellees.)	2008 UT App 107
_____)	
)	
Richard Ruseler and Suzette)	
Ruseler,)	
)	
Appellants.)	

Third District, Salt Lake Department, 060900559
The Honorable Glenn K. Iwasaki

Attorneys: David A. McPhie, Holladay, for Appellants
Dennis K. Poole and Elizabeth M. Evans, Salt Lake
City, for Appellees

Before Judges Greenwood, Thorne, and Billings.

PER CURIAM:

Richard and Suzette Ruseler (Ruselers) appeal the district court's order dismissing Rosalinde Schwemmer's (Rosalinde) quiet title action. This is before the court on Fred and Brunhilda Schwemmers' (Schwemmers) motion for summary disposition for insubstantial question.

"On appeal, a party whose standing is challenged must show that he or she had standing under the traditional test in the original proceeding before the district court." Chen v. Stewart, 2005 UT 68, ¶ 50, 123 P.3d 416. To satisfy the "basic requirements" of the traditional standing test, "a party must allege that he or she has suffered or will imminently suffer an injury that is fairly traceable to the conduct at issue such that a favorable decision is likely to redress the injury." Id.

Furthermore, "an appellant generally must show both that he or she was a party or privy to the action below and that he or she is aggrieved by that court's judgment." Id.

On appeal, the Ruselers have failed to establish standing. They concede that they are merely "potential successors." They have not shown that they were parties below or in privity in the action. Thus, they lack standing to appeal the trial court's order.¹

Accordingly, this matter is dismissed.

Pamela T. Greenwood,
Presiding Judge

William A. Thorne Jr.,
Associate Presiding Judge

Judith M. Billings, Judge

¹Even assuming that the Ruselers had standing, the district court appropriately dismissed the action as required by rule 25(a)(1) of the Utah Rules of Civil Procedure. After the filing of a suggestion of death, a motion for substitution must be filed within ninety days or the case must be dismissed as to the deceased party. See Utah R. Civ. P. 25(a)(1).