

IN THE UTAH COURT OF APPEALS

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| Lorri Naegle Scott, |) | MEMORANDUM DECISION |
| |) | (Not For Official Publication) |
| Petitioner and Appellee, |) | |
| |) | Case No. 20080137-CA |
| v. |) | |
| |) | F I L E D |
| |) | (November 20, 2008) |
| Russell Emanuel Scott, |) | |
| |) | 2008 UT App 422 |
| Respondent and Appellant. |) | |

Third District, Salt Lake Department, 014200034
The Honorable Joseph C. Fratto Jr.

Attorneys: Russell Emanuel Scott, South Jordan, Appellant Pro Se
Dennis L. Mangrum, Salt Lake City, for Appellee

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

Russell Scott appeals the trial court's order denying his motions to set aside prior orders of the court. This is before the court on Appellee Lorri Naegle Scott's motion for summary disposition.

Although Scott timely filed his appeal from the January 2008 order, in his appeal brief he directly attacks prior orders of the court. Scott does not address the trial court's order from which he appeals but, rather, argues his position anew challenging other orders. The final order in the divorce matter was affirmed by this court in 2004 and is now beyond attack.

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, 611 Utah Adv. Rep. 3. Accordingly, 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. Scott does not allege trial court error in its January 2008

order.¹ Accordingly, he fails to present a substantial issue for review warranting further consideration by this court.

Affirmed.²

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge

¹Scott argued below that service was not proper. The trial court noted that Scott was served with the complaint and appeared and defended at each stage throughout the proceeding.

²Appellee's request for attorney fees under rule 33 of the Utah Rules of Appellate Procedure is denied.