

IN THE UTAH COURT OF APPEALS

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Helen W. Snell,	)	MEMORANDUM DECISION	
	)	(Not For Official Publication)	
Plaintiff and Appellant,	)		
	)	Case No. 20060863-CA	
v.	)		
	)		
Carl A. Mattsson, M.D.,	)	F I L E D	
	)	(March 8, 2007)	
	)		
Defendant and Appellee.	)	<table border="1"><tr><td>2007 UT App 79</td></tr></table>	2007 UT App 79
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Second District, Ogden Department, 040904983  
The Honorable John R. Morris

Attorneys: Helen W. Snell, Roy, Appellant Pro Se  
            Stephen W. Owens and Kevin S. Gardner, Salt Lake  
            City, for Appellee

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Before Judges Bench, Orme, and Thorne.

PER CURIAM:

This matter is before the court on Carl A. Mattsson's motion for summary disposition.

Helen W. Snell filed a complaint in 2004 alleging, among other things, that Mattsson was negligent in his treatment of her in 2001, and that he failed to obtain an informed consent from her concerning certain aspects of her treatment. On November 10, 2005, the district court granted Mattsson's motion for summary judgment due to Snell's failure to designate a medical expert who would testify as to the appropriate standards of care. Snell attempted to appeal the decision to this court; however, this court dismissed the case because of Snell's failure to timely file her notice of appeal. Snell then attempted to rekindle the litigation by filing a new notice of intent to bring an action against Mattsson and a request for pre-litigation panel with the Division of Occupational and Professional Licensing. As a result, Mattsson filed a motion to: (1) preclude Snell from filing any further documents against Mattsson because her claims had been fully adjudicated; (2) strike a second pre-litigation panel; and (3) find Snell in contempt of court for continued frivolous filings. Snell did not file a response to the motion.

The district court granted the motion. Snell appeals from that order.

"For a question to be considered on appeal, the record must clearly show that it was timely presented to the trial court in a manner sufficient to obtain a ruling thereon." Busch Corp. v. State Farm Fire & Cas. Co., 743 P.2d 1217, 1219 (Utah 1987). As a result, "[g]enerally when an argument has not been made in the trial court, we will not allow it to be raised on appeal." Id. The record reveals that Snell did not file a response to Mattsson's motion. Snell did file a motion for sanctions against Mattsson's counsel and a motion to dismiss the entire case without prejudice. However, these affirmative motions did not sufficiently raise her objections to Mattsson's motion. Therefore, because Snell failed to respond to Mattsson's motion in the district court, we will not consider her arguments for the first time on appeal. See id. (refusing to address appellants' arguments when appellants had failed to oppose appellees' motion for summary judgment in the district court).

Affirmed.

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Russell W. Bench,  
Presiding Judge

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Gregory K. Orme, Judge

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William A. Thorne Jr., Judge