

IN THE UTAH COURT OF APPEALS

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Helen Coleman Snell,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellant,)	
)	Case No. 20070015-CA
v.)	
)	F I L E D
Overland West dba Hertz Rental)	(April 12, 2007)
and Sales,)	
)	2007 UT App 122
Defendant and Appellee.)	

Second District, Ogden Department, 960900308
The Honorable Parley R. Baldwin

Attorneys: Helen Coleman Snell, Roy, Appellant Pro Se
Walter T. Merrill, Ogden, for Appellee

Before Judges Greenwood, Billings, and Orme.

PER CURIAM:

This case is before the court on a motion for summary disposition for lack of jurisdiction. Appellant Helen Coleman Snell filed a notice of appeal listing two district court cases; therefore, two appeals were opened. The present motion pertains only to case no. 20070015-CA.

Case no. 20070015-CA is an appeal of a 1997 judgment in case no. 960900308 from the Second District Court. That case was initiated by Snell against a number of parties, including the State of Utah, the Department of Motor Vehicles, Weber County, some financial institutions, and a collision repair service. By the middle of 1997, the district court had dismissed the complaint as to all parties. Eight years later, in September 2005, Snell filed a motion to set aside the judgments. On November 15, 2005, the district court denied the motion to set aside the 1997 judgments. On December 12, 2006, Snell filed a notice of appeal in the underlying case (no. 960900308), seeking to appeal (1) the 1997 judgment in this case and (2) a November 7, 2006 judgment, which corresponds only to a judgment in

district court case no. 050901689.¹ There is no order or judgment in the case underlying this appeal as to which the notice of appeal would be timely.

This case is before the court on its own motion for summary disposition that specifically directed Snell to confine her response to issues pertinent to case no. 20070015-CA. Snell's response fails to address the jurisdictional issue in this appeal and simply asserts that there is a relationship between the two district court cases. Snell further contends that she was not timely served with a notice of judgment under rule 58A of the Utah Rules of Civil Procedure and was prevented from filing a timely appeal from the 1997 judgments. The district court has rejected that claim. However, even assuming for purposes of this motion that the claim were true, "[t]he time for filing a notice of appeal is not affected by the requirement" to serve notice of judgment under rule 58A. Utah R. Civ. P. 58A(d).

We dismiss the appeal for lack of jurisdiction.

Pamela T. Greenwood,
Associate Presiding Judge

Judith M. Billings, Judge

Gregory K. Orme, Judge

¹The latter judgment is the subject of a separate appeal in case no. 20070016-CA.