

IN THE UTAH COURT OF APPEALS

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Heather Thomas,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellant,)	
)	Case No. 20060981-CA
v.)	
)	F I L E D
Jack Thomas,)	(May 24, 2007)
)	
Respondent and Appellee.)	2007 UT App 180

Seventh District, Price Department, 064700128
Honorable Bruce K. Halliday

Attorneys: Samuel S. Bailey, Price, for Appellant
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Bench, McHugh, and Thorne.

PER CURIAM:

Heather Thomas (Plaintiff) appeals a portion of a protective order relating to a third party. We dismiss the appeal on the basis of mootness.

"An issue on appeal is considered moot when the requested judicial relief cannot affect the rights of the litigants." State v. Vicente, 2004 UT 6, ¶3, 84 P.3d 1191 (quotations and citation omitted). Plaintiff challenges the protective order on the basis that there was insufficient evidence to restrict contact with the third party in question. However, during the course of this appeal, Plaintiff sought and obtained a modified protective order that no longer restricts such contact. Consequently, a decision on the issue raised by Plaintiff would have no impact on her rights. See Merhish v. H.A. Folsom & Assocs., 646 P.2d 731, 732-33 (Utah 1982); see also Franklin Fin. v. New Empire Dev. Co., 659 P.2d 1040, 1043 (Utah 1983) ("An appeal is moot if during the pendency of the appeal circumstances change so that the controversy is eliminated, thereby rendering the relief requested impossible or of no legal effect."). "When an issue is moot, judicial policy dictates against our rendering

an advisory opinion." State v. Sims, 881 P.2d 840, 841 (Utah 1994) (quotations and citations omitted).

Accordingly, we dismiss the appeal.

Russell W. Bench,
Presiding Judge

Carolyn B. McHugh, Judge

William A. Thorne Jr., Judge