

IN THE UTAH COURT OF APPEALS

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Labor Commission, Industrial	)	MEMORANDUM DECISION
Accidents Division,	)	(Not For Official Publication)
	)	
Plaintiff and Appellee,	)	Case No. 20070149-CA
	)	
v.	)	F I L E D
	)	(July 25, 2008)
Salote Vuki, dba Vuki S&A	)	
Take-Out Catering,	)	2008 UT App 281
	)	
Defendant.	)	
_____	)	
	)	
Lui Enterprises,	)	
	)	
Garnishee and Appellant.	)	

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Third District, Salt Lake Department, 056909867  
The Honorable Tyrone E. Medley

Attorneys: T. Laura Lui and Filia H. Uipi, Salt Lake City, for Appellant  
Mark E. Medcalf, South Jordan, for Appellee

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Before Judges Bench, Davis, and Orme.

ORME, Judge:

We have determined that "the decisional process would not be significantly aided by oral argument." Utah R. App. P. 29(a)(3). Moreover, the issues presented are readily resolved under applicable law.

Appellant Lui Enterprises has the burden to show that service of process was invalid. See Cooke v. Cooke, 2001 UT App 110, ¶ 9, 22 P.3d 1249. Invalidity of service must be shown by clear and convincing evidence. See id.; Classic Cabinets, Inc. v. All Am. Life Ins. Co., 1999 UT App 88, ¶ 11, 978 P.2d 465. Given that the record contains a copy of the signed order along with proof of service, Lui Enterprises has not demonstrated by clear and convincing evidence that service was improper, that the order served upon it was unsigned, or that the order was irregular in any way.

Turning to the rule 60(b)(1) motion, see Utah R. Civ. P. 60(b)(1), "[w]e will generally reverse a trial court's denial of a rule 60(b) motion only where the court has exceeded its discretion," Fisher v. Bybee, 2004 UT 92, ¶ 7, 104 P.3d 1198, and "[w]e grant broad discretion to [a] trial court's rule 60(b) rulings," id. There are only limited circumstances where relief is appropriate, including where there is "mistake, inadvertence, surprise, or excusable neglect." Utah R. Civ. P. 60(b)(1). Lui Enterprises has not demonstrated that there were circumstances rising to this level, and we therefore affirm the trial court's denial of the motion to set aside the default judgment. Given this disposition, we need not reach the other issues raised by Lui Enterprises.

Affirmed.

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Gregory K. Orme, Judge

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WE CONCUR:

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Russell W. Bench, Judge

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James Z. Davis, Judge