

COURT OF APPEALS OF UTAH

Tami Jean Matthews v. David Todd Matthews

2026 UT App 79 (Utah Ct. App. 2026) · No. 20240822-CA · Decided May 14, 2026

SUMMARY

The Utah Court of Appeals held that it had jurisdiction over an appeal despite the appellant's failure to name one opposing guardian in the notice of appeal and principal brief. The court concluded that the district court misinterpreted Utah Rule of Civil Procedure 73 and erred in excusing the guardians' untimely attorney-fee motion. It also held that the guardianship petition was not shown to be without merit under Utah Code section 75-5-303(2)(c), and reversed the attorney-fee award.

CASE DETAILS

COURT	Court of Appeals of Utah
WRITING FOR THE COURT	John D. Luthy; Michele M. Christiansen Forster; Ryan M. Harris
JURISDICTION	Utah Court of Appeals
DECIDED	May 14, 2026
DOCKET	20240822-CA
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from a district court order granting summary judgment against a petition to remove guardians and awarding attorney fees to the guardians.
STANDARD OF REVIEW	Subject-matter jurisdiction and interpretation and application of the Utah Rules of Civil Procedure are reviewed for correctness. Whether a petition is 'without merit' under Utah Code section 75-5-303(2)(c) is a question of law reviewed for correctness.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Tami Jean Matthews v. David Todd Matthews, Tina Marie Matthews Forsgren

TOPICS

- guardianships
- guardianship procedure
- attorney fees
- appellate jurisdiction
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Utah Court of Appeals had jurisdiction when Tami's notice of appeal and principal brief did not name Tina Matthews as an appellee.
2. Whether the district court correctly applied Utah Rule of Civil Procedure 73 in excusing the guardians' untimely motion for attorney fees.
3. Whether the petition was 'without merit' under Utah Code section 75-5-303(2)(c), so as to support an award of attorney fees.

HOLDINGS

1. The court had jurisdiction because Tami timely filed her notice of appeal; failure to name Tina Matthews as an opposing party did not deprive the court of jurisdiction.
2. The district court erred as a matter of law by treating Tami's memorandum opposing fees as noncompliant because it was titled an opposition rather than an objection and did not dispute the amount of fees. Rule 73's fourteen-day filing requirement applies to the party claiming attorney fees, and Tami complied with the applicable opposition procedure.
3. The petition was not shown to be 'without merit,' and the district court erred in awarding attorney fees on that basis. 'Without merit' under section 75-5-303(2)(c) means more than merely losing; it implies a claim bordering on frivolity, of little weight or importance, or having no basis in law or fact.

KEY QUOTATIONS

“The timely filing of a notice of appeal is the act that vests the appellate court with jurisdiction over the appeal,” (¶ 17)

““without merit” . . . means something worse than just having a losing claim.” (¶ 33)

“The term “without merit,” as used in the bad-faith statute, implies bordering on frivolity, with the term “frivolous” meaning of little weight or importance [or] having no basis in law or fact.” (¶ 33)

FACTUAL BACKGROUND

David Todd Matthews and Tina Marie Matthews Forsgren were appointed guardians of their incapacitated father, David Harold Matthews, over objections from their sibling Tami Jean Matthews. Tami later alleged that the guardians denied her visitation, failed to keep her informed about significant medical matters, and moved their father without proper notice, and she petitioned for their removal and related relief. The district court granted summary judgment for the guardians and awarded them attorney fees after finding the petition without merit, although the fee motion was filed four days late under the applicable fourteen-day deadline.

PROCEDURAL HISTORY

Tami Jean Matthews petitioned to remove David Todd Matthews and Tina Marie Matthews Forsgren as guardians of their father and sought related relief. The district court granted the guardians' motion for summary

judgment and later awarded them attorney fees after finding the petition without merit, despite recognizing that the fee motion was filed eighteen days after judgment. Father died while the appeal was pending, mooted the summary-judgment issues. The Utah Court of Appeals retained jurisdiction, considered the attorney-fee award, and reversed it.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The award of attorney fees to the guardians is reversed. No additional specific remand instruction is stated.

CASES CITED

- Pearson v. South Jordan Emp. Appeals Board, 2009 UT App 204, ¶ 8, 216 P.3d 996
- Sanders v. Sanders, 2021 UT App 122, ¶ 4, 502 P.3d 1230
- McFarland v. McFarland, 2024 UT App 31, ¶¶ 9, 12, 33, 547 P.3d 204
- Trapnell & Assocs., LLC v. Legacy Resorts, LLC, 2020 UT 44, ¶¶ 65, 70, 469 P.3d 989
- Davis v. Central Utah Counseling Center, 2006 UT 52, ¶¶ 12-15, 147 P.3d 390
- Gorostieta v. Parkinson, 2000 UT 99, ¶ 19, 17 P.3d 1110
- Burns v. Summerhays, 927 P.2d 197, 199-200 (Utah Ct. App. 1996)
- Anderson v. Thompson, 2008 UT App 170U, para. 7 n.4
- Richards v. Baum, 914 P.2d 719, 723 (Utah 1996) (Stewart, J., dissenting)
- In re O.N., 2024 UT App 27, ¶¶ 1-4, 546 P.3d 355

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