

UTAH SUPREME COURT

Mellor v. Wasatch Crest Mutual Insurance Co.

282 P.3d 981 (Utah 2012) · Decided April 20, 2012

SUMMARY

The Utah Supreme Court dismissed Mellor’s appeal for lack of jurisdiction because the district court’s order denying summary judgment and staying proceedings was interlocutory rather than final. The court held that Mellor had not satisfied any recognized exception to the final-judgment rule, including statutory authorization, interlocutory appeal procedures, or Utah Rule of Civil Procedure 54(b).

CASE DETAILS

COURT	Utah Supreme Court
WRITING FOR THE COURT	Justice Lee; Chief Justice Durrant; Associate Chief Justice Nehring; Justice Durham; Justice Parrish
JURISDICTION	Utah
DECIDED	April 20, 2012
DISPOSITION	dismissed
PROCEDURAL POSTURE	Mellor appealed from a district court order denying her motion for summary judgment and granting the liquidator's motion to stay proceedings in a claim against the Wasatch Crest estate.
STANDARD OF REVIEW	De novo review of appellate jurisdiction and whether the order appealed from is final or falls within an exception to the final judgment rule.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Chris Ann Mellor v. Wasatch Crest Mutual Insurance Co., through its liquidator

TOPICS

[final judgment rule](#)[appellate jurisdiction](#)[interlocutory appeal](#)[appellate procedure](#)[insurance](#)

PRACTICE AREAS

[appellate procedure](#)[civil procedure](#)[insurance liquidation](#)

QUESTIONS PRESENTED

1. Whether the district court's denial of Mellor's motion for summary judgment and stay of further proceedings constituted a final appealable order.
2. Whether Mellor's appeal qualified for any recognized exception to Utah's final judgment rule.
3. Whether the Utah Supreme Court had jurisdiction to reach the merits of the district court's order.

HOLDINGS

1. An order denying summary judgment and staying further proceedings is interlocutory, not final, because it leaves the merits and other issues in the case unresolved.
2. The appeal did not qualify for any recognized exception to the final judgment rule because no statute authorized the appeal and Mellor did not satisfy the requirements for an interlocutory appeal under Utah Rule of Appellate Procedure 5 or a certified appeal under Utah Rule of Civil Procedure 54(b).
3. The court may not disregard the final judgment rule based on judicial economy, fairness, or alleged futility where the jurisdictional requirements for an appeal are not satisfied.

KEY QUOTATIONS

“The decision on appeal is archetypically non-final: It involves the denial of a motion for summary judgment and a stay of further proceedings.” (¶ 12)

“The limits on our jurisdiction are legal rules that define the nature and extent of the judicial power, not mere guidelines to be invoked or discarded at our whim.” (¶ 14)

“Accordingly, because Mellor does not appeal from a final judgment and has not satisfied any of the exceptions to the final judgment rule, we conclude that we lack jurisdiction and grant the liquidator's motion to dismiss.” (¶ 16)

FACTUAL BACKGROUND

Hayden Williams, Mellor's son, suffered severe permanent injuries in a near-drowning accident in August 2001. He had COBRA coverage through Wasatch Crest, but that coverage terminated when Mellor stopped paying premiums after Medicaid coverage was granted retroactively to the date of the accident. After Wasatch Crest was declared insolvent, Mellor sought payment of Hayden's medical expenses from the insurer's estate, while the liquidator denied the claim on the ground that Medicaid had fully indemnified her.

PROCEDURAL HISTORY

Mellor filed a claim in the liquidation proceeding for medical expenses arising from her son's injuries. After an earlier appeal concerning standing and coverage, she resubmitted her claim to the liquidator. Before the liquidator ruled on the resubmitted claim, Mellor sought summary judgment in district court; the liquidator later issued a second amended notice of determination denying the claim. The district court denied summary judgment and stayed further proceedings, and Mellor appealed without first challenging the liquidator's determination through the statutory procedure.

DISPOSITION

dismissed

CASES CITED

- Mellor v. Wasatch Crest Mutual Insurance Co., 2009 UT 5, ¶ 21, 201 P.3d 1004
- Kennedy v. New Era Industries, Inc., 600 P.2d 534, 535-536 (Utah 1979)
- Powell v. Cannon, 2008 UT 19, ¶¶ 9, 12-13, 179 P.3d 799
- Loffredo v. Holt, 2001 UT 97, ¶ 11, 37 P.3d 1070
- Drury v. Lunceford, 18 Utah 2d 74, 415 P.2d 662, 663 (1966)