

SUPREME COURT OF UTAH

Stichting Mayflower Mountain Fonds and Stichting Mayflower Recreation Fonds v. United Park City Mines Company, Redus Park City LLC, Empire Pass Master Owners Association, Inc., and Red Cloud Homeowners Association

Stichting Mayflower Mountain Fonds v. United Park City Mines Co., 2017 UT 42 (2017) · No. No. 20150047 ·
Decided August 1, 2017

SUMMARY

The Utah Supreme Court affirmed summary judgment against Stichting Mayflower Mountain Fonds and Stichting Mayflower Recreation Fonds on claims seeking recognition of a public highway under R.S. 2477 and Utah law, as well as a common-law prescriptive easement. The court held that the evidence did not establish the required period of public use before the relevant land became private, and that the prescriptive-easement arguments raised on appeal were not preserved below. The court also affirmed denial of leave to file a second amended complaint under Utah Rule of Civil Procedure 15(a).

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Associate Chief Justice Lee; Chief Justice Durrant; Justice Durham; Justice Himonas; Justice Pearce
JURISDICTION	Utah
DECIDED	August 1, 2017
DOCKET	No. 20150047
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from summary judgment dismissing public-road and prescriptive-easement claims and from denial of leave to file a second amended complaint.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Denial of leave to amend under Utah Rule of Civil Procedure 15(a) is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Utah Supreme Court opinion; precedential.

PARTIES

Stichting Mayflower Mountain Fonds, Stichting Mayflower Recreation Fonds v. United Park City Mines Company, Redus Park City LLC, Empire Pass Master Owners Association, Inc., Red Cloud Homeowners Association

TOPICS

prescriptive easements

easements

mineral rights

summary judgment

motion to amend

PRACTICE AREAS

real estate

easements

mining law

appellate procedure

civil procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether Mayflower established a genuine issue of material fact that the road became a public highway under R.S. 2477 and Utah law before the land became private in 1881.
2. Whether Mayflower preserved in the district court the evidence and legal arguments it offered on appeal to challenge summary judgment on its prescriptive-easement claim.
3. Whether the district court abused its discretion by denying leave to file a second amended complaint adding or clarifying appurtenant-easement and private-access claims.
4. Whether the transfer of some property from United Park City to REDUS deprived United Park City of standing to defend the judgment on appeal.

HOLDINGS

1. Mayflower failed as a matter of law to establish the public-use period required for the road to become a public highway under R.S. 2477. Because the road's relevant land became private on October 13, 1881, neither the twenty-year common-law period nor the five-year period under the 1880 Utah Highway Act could have been completed by that date.
2. The court affirmed summary judgment on the prescriptive-easement claim because Mayflower failed to present the relevant evidence and legal analysis to the district court and could not raise that analysis for the first time on appeal.
3. The district court acted within its discretion in denying Mayflower leave to file a second amended complaint because the proposed claims were asserted after extensive delay, without adequate justification, and contrary to the court's prior order requiring specific disclosure of the claims.
4. The court did not need to decide the extent of United Park City's standing because REDUS substituted for United Park City as to the transferred property, adopted United Park City's briefing, and appeared through the same counsel to advance the same arguments.

KEY QUOTATIONS

“R.S. 2477 still rules us from its grave.” (§ 26)

“And to do that Mayflower had to do more than just attach evidence; it had to analyze the evidence to show that it created a genuine issue for trial.” (¶ 42)

“Perhaps Mayflower is right that the March 2012 order set forth pleading requirements that went beyond the generally applicable terms of our rules of civil procedure. But the order is appropriate and even laudable under the circumstances.” (¶ 57)

FACTUAL BACKGROUND

Mayflower succeeded to mining claims on Flagstaff Mountain dating to 1871. Historical evidence indicated that prospectors or mine claimants built a road from Park City to the mine around 1871, and Mayflower claimed public use from 1871 until 2006. A portion of the land crossed by the road became private property on October 13, 1881, when the Home Station mining claim was located. Mayflower also relied on evidence concerning permission and alleged adverse use in support of its prescriptive-easement claim.

PROCEDURAL HISTORY

Mayflower sued to establish rights to use a mining road as a public highway under R.S. 2477 and the 1880 Utah Highway Act and under a common-law prescriptive easement theory. The district court granted summary judgment to defendants on the prescriptive-easement claim and, after cross-motions, on the public-road claim. It also denied Mayflower leave to file a second amended complaint adding or clarifying appurtenant-easement and private-access claims. The Utah Supreme Court affirmed all challenged rulings.

DISPOSITION

affirmed

CASES CITED

- S. Utah Wilderness All. v. Bureau of Land Mgmt. (SUWA), 425 F.3d 735, 740-41, 741, 768-71 (10th Cir. 2005), as amended on denial of reh'g (Jan. 6, 2006)
- Sierra Club v. Hodel, 848 F.2d 1068, 1083 (10th Cir. 1988)
- Vill. of Los Ranchos de Albuquerque v. Marsh, 956 F.2d 970 (10th Cir. 1992)
- Lindsay Land & Live Stock Co. v. Churnos, 75 Utah 384, 285 P. 646, 648 (Utah 1929)
- Harkness v. Woodmansee, 26 P. 291, 292 (Utah 1891)
- Warne v. Warne, 2012 UT 13, ¶ 25, 275 P.3d 238
- Landgraf v. USI Film Prods., 511 U.S. 244, 265 (1994)
- Bahr v. Imus, 2011 UT 19, ¶ 16, 250 P.3d 56
- Heber City Corp. v. Simpson, 942 P.2d 307, 311 (Utah 1997)
- Morris v. Blunt, 161 P. 1127, 1131 (Utah 1916)
- Malacara v. Garber, 353 F.3d 393, 405 (5th Cir. 2003)
- Carmen v. S.F. Unified Sch. Dist., 237 F.3d 1026, 1030 (9th Cir. 2001)
- Adler v. Wal-Mart Stores, Inc., 144 F.3d 664, 671-72 & n.1 (10th Cir. 1998)

- L.S. Heath & Son, Inc. v. AT&T Info. Sys., Inc., 9 F.3d 561, 567 (7th Cir. 1993)
- Guarino v. Brookfield Twp. Trs., 980 F.2d 399, 404 (6th Cir. 1992)
- United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991)
- Daniels v. Gamma W. Brachytherapy, LLC, 2009 UT 66, ¶ 58, 221 P.3d 256
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Fishbaugh v. Utah Power & Light, 969 P.2d 403, 405 (Utah 1998)
- Prince v. Bear River Mut. Ins. Co., 2002 UT 68, ¶ 49, 56 P.3d 524
- R & R Energies v. Mother Earth Indus., Inc., 936 P.2d 1068, 1080 (Utah 1997)
- Hudgens v. Prosper, Inc., 2010 UT 68, ¶ 18, 243 P.3d 1275
- Dupler v. Yates, 351 P.2d 624, 637 (Utah 1960)
- Maxfield v. Herbert, 2012 UT 44, ¶ 21 n.6, 284 P.3d 647