

SUPREME COURT OF UTAH

Camco Construction, Inc. v. Utah Baseball Academy, Inc., 2010 UT 63

243 P.3d 1269 (Utah 2010) · No. No. 20090624 · Decided November 16, 2010

SUMMARY

The Utah Supreme Court affirmed the denial of a motion to disqualify a trial judge who had been exposed to confidential arbitration materials. The court held that the motion was untimely under Utah Rule of Civil Procedure 63(b) because the moving parties knew or should have known of the grounds for disqualification more than twenty days before filing and had not shown good cause for the delay. The court therefore declined to reach the merits of the confidentiality and recusal arguments.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Nehring; Chief Justice Durham; Associate Chief Justice Durrant; Justice Parrish; District Judge George M. Harmond
JURISDICTION	Utah
DECIDED	November 16, 2010
DOCKET	No. 20090624
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from the district court's denial of API's motion to disqualify Judge Anthony Quinn after he was exposed to confidential arbitration materials.
STANDARD OF REVIEW	Whether a trial judge erred by failing to recuse himself is a question of law reviewed for correctness.
PRECEDENTIAL VALUE	Published Utah Supreme Court opinion; binding precedent in Utah.
PARTIES	Athletic Performance Institute, L.L.C., Utah Baseball Academy, Inc., Robert Keyes v. Camco Construction, Inc., KeyBank National Association

TOPICS

- appellate procedure
- interlocutory appeal
- civil procedure
- standard of review
- construction law

PRACTICE AREAS

civil procedure

appellate procedure

construction law

commercial litigation

QUESTIONS PRESENTED

1. Whether API's motion to disqualify Judge Quinn was timely under Utah Rule of Civil Procedure 63(b)(1)(B).
2. Whether the Supreme Court of Utah should reach the merits of API's argument that exposure to confidential arbitration materials required Judge Quinn's disqualification.

HOLDINGS

1. Utah Rule of Civil Procedure 63 governs motions to disqualify a judge regardless of whether the motion invokes that rule or is presented under another legal theory; a party may not avoid Rule 63's deadline by labeling the motion differently.
2. API's motion to disqualify Judge Quinn was untimely under Utah Rule of Civil Procedure 63(b)(1)(B), and API failed to demonstrate good cause for its delay.
3. Because API's motion was untimely and unsupported by good cause, the court declined to reach the merits of whether exposure to confidential arbitration materials required Judge Quinn's recusal.

KEY QUOTATIONS

"Timeliness is essential in filing a motion to disqualify" because "delay imposes unnecessary disruption on both the judicial system and [the] litigants and it necessarily results in significant additional costs to the parties" (1272-1273)

"To be timely, a motion to disqualify should be filed at counsel's first opportunity after learning of the disqualifying facts." (1273)

"Only if good cause for a delay is demonstrated in the motion seeking disqualification should a delinquent motion even be considered." (1273)

FACTUAL BACKGROUND

API entered into a construction contract with Camco to build an athletic facility and obtained construction financing from KeyBank. Construction defects, payment disputes, and KeyBank's refusal to continue funding led to litigation among the parties. The district court compelled arbitration of the Camco-API claims, and the arbitrator awarded Camco approximately \$608,000; the remaining API-KeyBank litigation continued while KeyBank repeatedly submitted documents and testimony from the arbitration to the district court. API ultimately moved to disqualify Judge Quinn, asserting that his exposure to confidential arbitration materials required recusal.

PROCEDURAL HISTORY

Camco sued API and KeyBank over payment and construction-related disputes, and API asserted counterclaims and brought a third-party complaint. The district court compelled arbitration of the Camco-API claims; after an

arbitration award and dismissal of those claims, the API-KeyBank litigation continued, with KeyBank using arbitration materials. API filed three motions to disqualify Judge Quinn, the last based on Reese v. Tingey Construction. The district court denied the third motion, stayed proceedings, and permitted this interlocutory appeal.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

No remand was ordered. The court directed Judge Quinn to proceed with the case.

CASES CITED

- Reese v. Tingey Construction, 2008 UT 7, 177 P.3d 605
- State v. Alonzo, 973 P.2d 975, 979 (Utah 1998)
- Madsen v. Prudential Fed. Sav. & Loan Ass'n, 767 P.2d 538, 542-44 (Utah 1988)
- Williams v. Williams, 2004 UT App 245U, ¶ 1
- K.F. v. State (State ex rel. D.F.), 2001 UT App 256U, ¶¶ 5-6
- Birch v. Birch, 771 P.2d 1114, 1116 (Utah Ct. App. 1989)
- Jackson Constr. Co. v. Marrs, 2004 UT 89, 100 P.3d 1211, ¶ 24
- Brown v. Glover, 2000 UT 89, 16 P.3d 540, ¶ 37