

2004

Heughs Land, LLC v. City of Holladay : Unknown

Utah Court of Appeals

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IN THE UTAH COURT OF APPEALS

FILED
UTAH APPELLATE COURTS

NOV 9 - 2004

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Heughs Land, LLC,)
)
Plaintiff and Appellant,)
)
v.)
)
City of Holladay,)
)
Defendant and Appellee.)
)
)
)

ORDER

Case No. 20040611-CA
UTAH COURT OF APPEALS
BRIEF

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DOCKET NO. 20040611-CA

Before Judges Bench, Billings, and Orme

This matter is before the court on Holladay's motion to strike Heughs Land, LLC's (Heughs) opening brief, and assume the correctness of the trial court's dismissal. Heughs opposed the motion and filed a motion for attorney fees.

Rule 24 of the Utah Rules of Appellate Procedure requires appellants to state the issues for review and provide a citation to the record to show each issue was preserved. See Utah R. App. P. 24(a)(5). Additionally, rule 24 requires a statement of facts "supported by citations to the record." Id. 24(a)(7). Heughs's opening brief fails to comply with both of these rule 24 requirements.

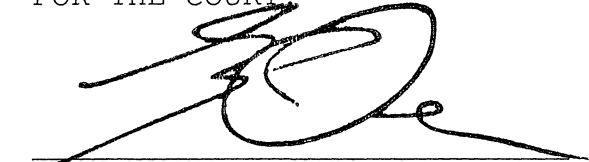
Heughs argues that there is no record to which to cite. It is axiomatic that if a case is filed, there is a record, although it may be small and may consist of documents rather than a transcript. Further, record citations not only provide a guide, but also confirm that the facts and issues were indeed before the trial court.

IT IS HEREBY ORDERED that the issue statement and fact statements of Heughs's opening brief are stricken. IT IS FURTHER ORDERED that Heughs may file a compliant brief within thirty days from the date of this order. If no compliant brief is filed, this court will assume the correctness of the trial court's ruling.

IT IS FURTHER ORDERED that Heughs's motion for attorney fees is denied.

Dated this 9th day of November, 2004.

FOR THE COURT:



Gregory K. Orme, Judge

CERTIFICATE OF MAILING

I hereby certify that on November 9, 2004, a true and correct copy of the foregoing ORDER was deposited in the United States mail to the parties listed below:

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Dated this November 9, 2004.

By 
Deputy Clerk

Case No. 20040611