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**2004 UT App 372**  
**Sonni Schwinn aka Carrol Schwinn, Plaintiff and Appellant,**  
**v.**  
**David Cook, Defendant and Appellee.**  
**Case No. 20040579-CA.**  
**Court of Appeals of Utah.**  
**Filed October 21, 2004.**  
**(Not For Official Publication)**

Appeal from the Third District, Salt Lake Department, The Honorable Frank G. Noel.

Sonni Schwinn, Bountiful, Appellant Pro Se.

Stephen M. Enderton, Salt Lake City, for Appellee.

Before Judges Bench, Davis, and Orme.

**MEMORANDUM DECISION**

**PER CURIAM:**

Sonni Schwinn appeals the dismissal of her legal malpractice claim against David Cook. This case is before the court on its own motion for summary disposition on the basis that the grounds for the appeal are so insubstantial that they do not merit further review by this court. See Utah R. App. P. 10.

Schwinn filed her Complaint in this matter on April 12, 2004. Utah Code section 78-12-25(1) imposes a four-year limitation on several actions, including legal malpractice claims. See Utah Code Ann. § 78-12-25(1) (2002); Merkley v. Beaslin, 778 P.2d 16, 18 (Utah Ct. App. 1989). "[A] cause of action for legal malpractice accrues, and the four-year statute of limitations commences to run, when the act complained of is discovered or, in the exercise of reasonable care, should have been discovered." Merkley, 778 P.2d 19; see also Williams v. Howard, 970 P.2d 1282, 1284 (Utah 1998).

Schwinn's Complaint and memoranda establish that the events forming the basis of her claim against Cook took place between

September 1999 and January 2000. The Complaint and memoranda also establish that Schwinn discovered, or should have discovered, the alleged negligence that eventually prompted her to file her lawsuit during this same period of time. Therefore, the statute of limitations began to run no later than January 2000. See Williams, 970 P.2d at 1284; Merkley, 778 P.2d at 18-19. Schwinn's Complaint was not filed until April 12, 2004, after the statute of limitations had run.

Accordingly, the trial court's dismissal of Schwinn's Complaint is affirmed.

Russell W. Bench, Associate Presiding Judge, James Z. Davis, Judge, and Gregory K. Orme, Judge.