

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



DIVISION ONE  
FILED: 06-15-2010  
PHILIP G. URRY, CLERK  
BY: GH

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

SABACCO, LLC, an Arizona limited liability company, ) 1 CA-CV 09-0056  
)  
)  
Defendant/Cross-Claimant/ )  
Counterdefendant/Appellee, ) Maricopa County  
) Superior Court  
v. ) No. CV 2006-015739  
)  
COASTAL CONSTRUCTION FRAMING, )  
LLC, an Arizona limited liability corporation, ) Department D  
) Decision Order  
Defendant/Cross-Defendant/ )  
Counterclaimant/Appellant. )  
\_\_\_\_\_ )

The court, Judges Patricia A. Orozco, Diane M. Johnsen, and Jon W. Thompson participating, has received and considered the opening brief, the answering brief, the reply brief and the record on appeal as well as the arguments made by the parties at oral argument.

We have an independent duty to review for jurisdiction, and if jurisdiction is lacking to dismiss the appeal. *Musa v. Adrian*, 130 Ariz. 311, 312, 636 P.2d 89, 90 (1981). After a review of the record, we find that the trial court erred in using Rule 54(b), Ariz. R. Civ. P., language. See *Davis v.*

*Cessna Aircraft Corp.*, 168 Ariz. 301, 304, 812 P.2d 1119, 1122 (App. 1991). We owe no deference to the trial court's Rule 54(b) certification. *Id.* Because this appeal will not ultimately dispose of any individual claim, and we do not proceed on an appeal piecemeal, we dismiss this appeal for lack of jurisdiction. See *id.* (citing *Sears, Roebuck & Co. v. Mackey*, 351 U.S. 427, 436 (1956)).

IT IS THEREFORE ORDERED dismissing this matter.

/s/

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JON W. THOMPSON, Judge