

IN THE UTAH COURT OF APPEALS

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Tetlo Danny Goings,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Petitioner and Appellant,)		
)	Case No. 20100690-CA	
v.)		
)		
Gervacio Ramirez and Laurie)	F I L E D	
Ramirez,)	(November 26, 2010)	
)		
Respondents and Appellees.)	<table border="1"><tr><td>2010 UT App 333</td></tr></table>	2010 UT App 333
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Third District, Salt Lake Department, 084902910
The Honorable Paul G. Maughan

Attorneys: Danny Quintana, Salt Lake City, for Appellant
Thomas R. Grisley, Salt Lake City, for Appellees
Martha Pierce, Salt Lake City, Guardian Ad Litem.

Before Judges Davis, Orme, and Roth.

PER CURIAM:

Tetlo Danny Goings seeks to appeal the district court's July 13, 2010 order. This matter is before the court on a sua sponte motion for summary disposition. We dismiss the appeal for lack of jurisdiction.

Generally, "[a]n appeal is improper if it is taken from an order or judgment that is not final." Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649. For an order to constitute a final, appealable order, the order must "dispose of all parties or claims to an action." Id. This court lacks jurisdiction to consider an appeal unless it is taken from a final, appealable order. See id. ¶ 8. If this court lacks jurisdiction over an appeal, we have only the authority to dismiss the appeal. See Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989).

The only exceptions to the final judgment rule are where:
(1) an appeal is permitted under the circumstances by statute,
(2) the appellate court grants interlocutory appeal under rule 5 of the Utah Rules of Appellate Procedure, or (3) the trial court certifies the order as final under rule 54(b) of the Utah Rules

of Civil Procedure. See Bradbury, 2000 UT 50, ¶ 12. The district court must also resolve any issues pertaining to the amount of reasonable attorney fees, if any, before the judgment becomes final for the purposes of an appeal. See Promax Dev. Corp. v. Raile, 2000 UT 4, ¶ 15, 998 P.2d 254.

The district court's July 13, 2010 order is not a final, appealable order as there remain unresolved issues pending in the district court, including the unresolved issue of attorney fees and costs. Goings fails to demonstrate that this appeal qualifies for any exception to the final judgment rule. Because the July 13, 2010 order is not final for purposes of appeal, this court is required to dismiss the appeal. See Varian-Eimac, Inc., 767 P.2d at 570.

Accordingly, the appeal is dismissed, without prejudice, to the filing of a proper appeal once a final judgment has been entered.

James Z. Davis,
Presiding Judge

Gregory K. Orme, Judge

Stephen L. Roth, Judge