

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

CST Financial Services, LLC,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellee,	)	
	)	Case No. 20090392-CA
v.	)	
	)	
<u>Strickly Truckin, Inc.</u> ; Mike	)	F I L E D
McCabe; Mike McCabe Trucking;	)	(February 4, 2010)
and Bill Strickland,	)	
	)	2010 UT App 27
Defendants and <u>Appellant</u> .	)	

-----

Third District, Salt Lake Department, 050909240  
The Honorable L.A. Dever

Attorneys: Gary Buhler, Grantsville, for Appellant  
            Dustin L. Heugly, Price, for Appellee

-----

Before Judges Davis, Thorne, and Voros.

PER CURIAM:

Strickly Truckin, Inc. appeals the district court's order granting CST Financial Services, LLC's motion for summary judgment and denying Strickly Truckin's motion for summary judgment. We dismiss the appeal because this court lacks jurisdiction.

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order, or qualifies for an exception to the final judgment rule. See Loffredo v. Holt, 2001 UT 97, ¶¶ 10, 15, 37 P.3d 1070. An order is final only if it disposes of the case as to all parties and "finally dispose[s] of the subject-matter of the litigation on the merits of the case." Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649 (internal quotation marks omitted); see also Utah R. Civ. P. 54(b) (stating that an order "that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and rights and liabilities of all the parties").

Strickly Truckin seeks review of the district court's order granting CST Financial's motion for summary judgment and denying Strickly Truckin's motion for summary judgment. However, the order did not specifically resolve claims made by both parties against Mike McCabe.<sup>1</sup> Accordingly, this order did not finally resolve the dispute between all the parties. Therefore, the judgment was not a final, appealable order, and we lack jurisdiction over this matter. See Bradbury, 2000 UT 50, ¶ 9. When this court lacks jurisdiction, it must dismiss the appeal. See Loffredo, 2001 UT 97, ¶ 11.

The appeal is dismissed without prejudice to the filing of a timely appeal after the district court enters a final, appealable order.

---

James Z. Davis, Presiding Judge

---

William A. Thorne Jr., Judge

---

J. Frederic Voros Jr., Judge

---

<sup>1</sup>CST Financial asserts the order is final because, in substance, the district court's order resolved all claims against all parties. However, the district court's order did not specifically grant or dismiss the various claims and cross-claims asserted against McCabe. Moreover, the district court granted CST Financial's motion for summary judgment on the ground that Strickly Truckin had not properly responded to the summary judgment motion. As such, the district court's reasoning is not applicable to the various claims made against McCabe. Accordingly, the order did not dispose of the case as to all parties and all issues.