

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Hassan Mardanlou,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	Case No. 20100030-CA
)	
v.)	
)	F I L E D
Ali Ghaffarian; Nasrin)	(May 20, 2010)
Faezi; Ali Ghaffarian and)	
Nasrin Faezi dba Access Auto;)	2010 UT App 134
and Access Auto, LLC,)	
)	
Defendants and Appellants.)	

Third District, Salt Lake Department, 980911308
The Honorable L.A. Dever

Attorneys: Danny Quintana, Salt Lake City, for Appellants
J. Kent Holland, Sandy, for Appellee

Before Judges McHugh, Thorne, and Voros.

PER CURIAM:

Defendants (collectively Access Auto) seek to appeal the district court's December 7, 2009 order. This matter is before the court on its sua sponte motion for summary disposition based upon lack of 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").

Access Auto seeks review of the district court's minute entry order of December 7, 2009. In the minute entry the district court discussed the merits of Hassan Mardanlou's motion for sale of property and Access Auto's memorandum of points and authorities advancing partition; however, the district court never actually ruled on the motions. Instead, the district court ordered that "the parties attempt to resolve the manner in which the Property shall be disposed via the Court Annexed ADR Program within 60-days of entry of this Minute Entry." The court indicated that if the parties were unable to reach a resolution through mediation then it would "entertain requests for hearings and/or renewed Notices to Submit." Accordingly, this order did not finally resolve the dispute as to all issues 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.

Carolyn B. McHugh,
Associate Presiding Judge

William A. Thorne Jr., Judge

J. Frederic Voros Jr., Judge