

IN THE UTAH COURT OF APPEALS

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Proline Automotive and)	MEMORANDUM DECISION
Accessories, LLC; Custom)	(Not For Official Publication)
Taxidermy; and Hunter)	
Automotive Machine,)	Case No. 20100656-CA
)	
Plaintiffs and Appellants,)	F I L E D
)	(November 4, 2010)
v.)	
)	2010 UT App 308
<u>West Valley City</u> ; Ryan's)	
Performance Plus; Mark)	
Williams; Errol S. Bevan; JRS)	
Leasing, LLC; Ryan Smith; S &)	
W Holdings, Inc.; Shauna)	
Smith; Paul Berman; and Berman)	
and Berman, LLC,)	
)	
Defendant and Appellee.)	

Third District, West Jordan Department, 100402575
The Honorable Terry L. Christiansen

Attorneys: Robert J. Poulsen and Joseph M. Skousen, South
Jordan, for Appellants

Before Judges Davis, McHugh, and Voros.

PER CURIAM:

Proline Automotive and Accessories, LLC; Custom Taxidermy; and Hunter Automotive Machine (collectively, Proline) seek to appeal the trial court's memorandum decision dismissing West Valley City as a defendant in this ongoing litigation. This case is before the court on its own motion for summary disposition based on lack of jurisdiction due to the absence of a final order. Neither Proline nor West Valley City responded to the motion.

Generally, appeals may be taken only from final orders or judgments. See Utah R. App. P. 3(a). "For an order or judgment to be final, it must dispose of the case as to all the parties and finally dispose of the subject-matter of the litigation on the merits of the case." Bradbury v. Valencia, 2000 UT 50, ¶ 9,

5 P.3d 649. Here, the trial court dismissed only one of the multiple defendants, West Valley City. The litigation remains ongoing with the other parties. Accordingly, the order dismissing West Valley City is not a final order for purposes of appeal. Where an appeal is not properly taken, this court lacks jurisdiction and must dismiss the appeal. See id. ¶ 8.

Accordingly, this appeal is dismissed without prejudice to the filing of a timely notice of appeal after the entry of a final order.

James Z. Davis,
Presiding Judge

Carolyn B. McHugh,
Associate Presiding Judge

J. Frederic Voros Jr., Judge