

IN THE UTAH COURT OF APPEALS

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Shreelaxmi, Inc., dba Motel 6)	MEMORANDUM DECISION
of Vernal,)	(Not For Official Publication)
)	
Plaintiff and Appellant,)	Case No. 20100598-CA
)	
v.)	F I L E D
)	(October 21, 2010)
Kent Keller and Cheryl B.)	
Keller,)	2010 UT App 289
)	
Defendants and Appellees.)	

Eighth District, Vernal Department, 100800345
The Honorable Edwin T. Peterson

Attorneys: Daniel S. Sam, Vernal, for Appellant

Before Judges Davis, McHugh, and Voros.

PER CURIAM:

Shreelaxmi, Inc. appeals the district court's order entered on July 9, 2010. This matter is before the court on a sua sponte motion for summary disposition. We dismiss the appeal without prejudice.

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. This court lacks jurisdiction to consider an appeal unless it is taken from a final, appealable order. See id. ¶ 8.

Previously, a signed minute entry could be considered a final, appealable order so long as it specified with certainty a final determination of the rights of the parties and was susceptible to enforcement. See Dove v. Cude, 710 P.2d 170, 171 (Utah 1985); see also Cannon v. Keller, 692 P.2d 740, 741 (Utah 1984). The Utah Supreme Court has since determined that the prior framework for analyzing the finality of a minute entry or order for purposes of appeal was unworkable. See Giusti v. Sterling Wentworth Corp., 2009 UT 2, ¶¶ 30-36, 201 P.3d 966. As of the supreme court's decision in Giusti, a minute entry or order contemplated as final by the district court "must

explicitly direct that no additional order is necessary." Id.
¶ 32. Otherwise, when the district court does not expressly
direct that its order is the final order of the court, rule
7(f)(2) of the Utah Rules of Civil Procedure requires the
prevailing party to prepare and file an order to trigger finality
for purposes of appeal. See id. ¶ 30.

The July 9, 2010 ruling and order does not satisfy the
requirements set forth in Giusti. The district court did not
expressly indicate that the July 9, 2010 ruling and order was the
final order of the court. Furthermore, neither party prepared a
final order as required by rule 7(f)(2) of the Utah Rules of
Civil Procedure. Thus, the July 9, 2010 ruling and order is not
final for purposes of appeal and this court is required to
dismiss the appeal.

Accordingly, the appeal is dismissed without prejudice to
the filing of a timely appeal from a final order.

James Z. Davis,
Presiding Judge

Carolyn B. McHugh,
Associate Presiding Judge

J. Frederic Voros Jr., Judge