

IN THE UTAH COURT OF APPEALS

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Christine M. Snyder,)	MEMORANDUM DECISION
)	(Not For Official Publication
Plaintiff and Appellee,)	
)	Case No. 20050959-CA
v.)	F I L E D
)	(December 15, 2005)
Barry J. Snyder,)	
)	2005 UT App 544
Defendant and Appellant.)	

First District, Logan Department, 034100374
The Honorable Gordon J. Low

Attorneys: Barry J. Snyder, Logan, Appellant Pro Se
Christine M. Snyder, Millville, Appellee Pro Se

Before Judges Davis, McHugh, and Orme.

PER CURIAM:

Barry J. Snyder (Husband) appeals the trial court's order granting Christine M. Snyder's (Wife) motion for partial summary judgment. This case is before the court on its own motion for summary dismissal for lack of jurisdiction due to the absence of a final, appealable order or judgment. See Utah R. App. P. 3(a).

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order, see id., 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 a final order 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 (quotations and citation omitted).

The partial summary judgment in favor of Wife does not dispose of all the parties nor all the issues in the litigation. See id. As a result, the order is not final because it leaves additional issues for trial. Furthermore, Husband has not raised any exception to the final judgment rule in this case. See id. at ¶12.

Because the order appealed from is not a final order, this court lacks jurisdiction to hear this appeal. When this court lacks jurisdiction it must dismiss the appeal. See Loffredo, 2001 UT 97 at ¶11.

Accordingly, this appeal is dismissed, without prejudice, to the filing of a timely notice of appeal after the entry of a final order or proper certification pursuant to rule 54(b) of the Utah Rules of Civil Procedure.

James Z. Davis, Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge