

IN THE UTAH COURT OF APPEALS

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Western Surety Company,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20070036-CA
v.)	
)	F I L E D
)	(March 8, 2007)
<u>Michael Toscano, Telisa</u>)	
<u>Toscano</u> , Idaho Auto Auction,)	2007 UT App 77
Brighton Bank, Greater Nevada)	
Auto Auction, Utah Auto)	
Auction, T.S. Rideout,)	
Inc. dba Cottonwood Motors,)	
Nathan Coulter, Sandra)	
Coulter, Pedro Boix, Silvia)	
Boix and Does 1-100,)	
)	
Defendants and Appellants.)	

Third District, Salt Lake Department, 050906722
The Honorable Joseph C. Fratto Jr.

Attorneys: John Snow and Robert H. Scott, Salt Lake City, for Appellant
 John N. Braithwaite, Salt Lake City, for Appellee

Before Judges Bench, McHugh, and Thorne.

PER CURIAM:

Michael and Telisa Toscano appeal the trial court's grant of summary judgment against them, finding them to be personal indemnitors on a bond issued by Appellee Western Surety Company (Western Surety). This is before the court on Western Surety's motion to dismiss for lack of jurisdiction due to the absence of a final order.

"An appeal is improper if it is taken from an order or judgment that is not final . . . unless it fits within an exception to the final judgment rule." Bradbury v. Valencia, 2000 UT 50, ¶9, 5 P.3d 649. "To be final, the trial court's order or judgment must dispose of all parties and claims to an action." Id. at ¶10. The trial court's order here did not dispose of all

parties and claims. Remaining before the trial court are other claims and additional parties litigating entitlement to money under the bond. Because other parties remain active in the case and additional claims are pending, the order appealed is not final.

Additionally, the Toscanos have not identified any exception to the finality rule that would permit the appeal to move forward. See id. at ¶12 (listing exceptions). Because the order is not final and no exception to the finality rule applies, this court lacks jurisdiction and must dismiss the appeal. See id. at ¶8.

Dismissed.

Russell W. Bench,
Presiding Judge

Carolyn B. McHugh, Judge

William A. Thorne Jr., Judge