

IN THE UTAH COURT OF APPEALS

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<u>William York</u> and Nathan York,)	PER CURIAM DECISION
)	
Plaintiff and Appellant,)	Case No. 20100783-CA
)	
v.)	FILED
)	(January 27, 2011)
<u>James Slavens</u> ; Performance Auto,)	
Inc.; "Karl"; and John Does 1-10,)	2011 UT App 25
)	
Defendant and Appellee.)	

Fourth District, Fillmore Department, 090700014
The Honorable Samuel D. McVey

Attorneys: William York, Delta, Appellant Pro Se
James K. Slavens, Fillmore, Appellee Pro Se

Before Judges Orme, Voros, and Christiansen.

¶1 William York seeks to appeal several orders entered by the district court. This matter is before the court on James Slavens's motion for summary disposition on the basis that this court lacks jurisdiction because there is no final, appealable order.

¶2 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").

¶3 York purports to appeal several orders of the district court. However, as of this date there is no order dismissing all of the claims York has made against all of the named defendants. Specifically, no order has been entered resolving York's claims against Performance Auto, Inc. Accordingly, the orders are not final, appealable orders, 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.

¶4 The appeal is dismissed without prejudice to the filing of a timely appeal after the district court enters a final, appealable order.¹

Gregory K. Orme, Judge

J. Frederic Voros Jr., Judge

¹York has also requested that this court convert his appeal into a petition for interlocutory review. While this court may convert an appeal to a petition for interlocutory review when a district court has improperly certified an order as final pursuant to rule 54(b) of the Utah Rules of Civil Procedure, *see* Utah R. App P. 5(a), this circumstance is not present in this case.

Michele M. Christiansen, Judge