IN THE UTAH COURT OF APPEALS

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David Barnett,   )   MEMORANDUM DECISION
)   (Not For Official Publication)
        Plaintiff and Appellee,   )
)   Case No. 20080803-CA
v.   )
)   F I L E D
)   (February 5, 2009)
Lawrence Turtschi,   )
)   _____
        Defendant and Appellant.   ) | 2009 UT App 29 |
                                           _____

Sixth District, Manti Department, 080600224
The Honorable David L. Mower

Attorneys: Lawrence Turtschi, Manti, Appellant Pro Se
            Eric P. Paulson, Provo, for Appellee

Before Judges Thorne, Bench, and Orme.

PER CURIAM:

        Lawrence Turtschi appeals from the district court's October
2, 2008 Judgment and Order of Restitution. This matter is before
the court on David Barnett's motion for summary disposition based
upon lack of jurisdiction.

        This court does not have jurisdiction to consider an appeal
unless it is taken from a final judgment or order, see Utah R.
App. P. 3(a), 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).

        The district court entered its Judgment and Order of
Restitution on October 2, 2008. Although the judgment required
Turtschi to vacate the premises, the judgment specifically
reserved the district court's jurisdiction over the issue of
damages. Accordingly, the judgment did not finally dispose of
all issues in this case. Therefore, the judgment was not a
final, appealable order, and we lack jurisdiction over this
matter. See id. When this court lacks jurisdiction, it must
dismiss the appeal. See Loffredo, 2001 UT 97, ¶ 11.

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

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William A. Thorne Jr.,
Associate Presiding Judge

_____
Russell W. Bench, Judge

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Gregory K. Orme, Judge