

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Salt Lake Pueblo, L.L.C.,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20050526-CA
v.)	
)	F I L E D
Mary A. Bonilla,)	(September 1, 2005)
)	
Defendant and Appellant.)	2005 UT App 372

Third District, Salt Lake Department, 040919230
The Honorable Bruce C. Lubeck

Attorneys: Mary A. Bonilla, Salt Lake City, Appellant Pro Se
Jeffrey T. Colemere, Murray, for Appellee

Before Judges Davis, Greenwood, and Thorne.

PER CURIAM:

Mary A. Bonilla appeals the summary judgment dismissing her counterclaims in this action. This is before the court on Salt Lake Pueblo, L.L.C.'s (Pueblo) motion for summary disposition based on lack of jurisdiction.

In September 2004, Pueblo filed the instant action, asserting claims against Bonilla for unlawful detainer and breach of contract. Bonilla filed an answer and asserted counterclaims. Bonilla's counterclaims were dismissed by the trial court on motion for summary judgment in March 2005. However, Pueblo's claims for damages under the unlawful detainer statute and contract damages were not resolved by the summary judgment.

Unless certain exceptions apply, this court does not have jurisdiction over an appeal unless it is taken from a final judgment. See Loffredo v. Holt, 2001 UT 97, ¶10, 37 P.3d 1070. The exceptions, permission for interlocutory appeal or a trial court certification pursuant to rule 54(b), are not applicable here. To constitute a final judgment, an order "must end the controversy between the litigants." Id. at ¶12. The claims of all the parties must be disposed of by the order. See id.

Bonilla appeals from a summary judgment disposing of only part of the dispute between the parties. Although her counterclaims are dismissed, the record shows that Pueblo's damage claims remain pending before the trial court. Because claims remain pending, the summary judgment order is not a final, appealable order. See id. Thus, this court lacks jurisdiction over this appeal and must dismiss it.

Accordingly, this appeal is dismissed without prejudice to the timely filing of an appeal after a final order has been entered.

James Z. Davis, Judge

Pamela T. Greenwood, Judge

William A. Thorne Jr., Judge