

IN THE UTAH COURT OF APPEALS

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Earl L. Cline II,)	MEMORANDUM DECISION
)	(Not For Official Publication
Plaintiff and Appellant,)	
)	Case No. 20060028-CA
v.)	
)	
State of Utah, Edson F.)	F I L E D
Packer, Sharon B. Packer,)	(April 27, 2006)
Julie Camp, Dr. Natalie)	
Malovich, Vickie Sharp, Steve)	2006 UT App 171
Wall, et al.,)	
)	
Defendants and Appellees.)	

Fourth District, Provo Department, 050401710
The Honorable Fred D. Howard

Attorneys: Earl L. Cline II, Holladay, Appellant Pro Se
Mark L. Shurtleff and J. Clifford Petersen, Salt Lake
City, for State Appellees
Stephen W. Owens and Kevin S. Gardner, Salt Lake
City, for Appellees Malovich and Sharp
Cory R. Wall and Gregory B. Wall, Salt Lake City, for
Wall Appellees

Before Judges Bench, Billings, and Thorne.

PER CURIAM:

Earl L. Cline II appeals certain orders entered by the trial court. 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 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 (quotations and citation omitted).

As set forth in this court's sua sponte motion for summary disposition, the underlying case remains pending in the district court as to numerous defendants. Thus, the orders appealed by Cline do not dispose of all the parties or all the issues in the litigation. See id. As a result, these orders are not final. Furthermore, Cline has not raised any exception to the final judgment rule. See id. at ¶12.

Because the orders appealed from are not final, 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.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

William A. Thorne Jr., Judge