IN THE UTAH COURT OF APPEALS

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John D. Jacob and Aqua Resources Unlimited, LLC,) MEMORANDUM DECISION) (Not For Official Publication)
Plaintiffs,) Case No. 20090198-CA)
v. <u>Jerrold L. Cross</u> ; Juniper Ridge, LLC; Painted Horse Holdings, LC; David W. Olsen; Hearthstone Development, Inc.; and Villages at Saratoga Springs,) FILED (June 25, 2009)) 2009 UT App 178
Defendants and <u>Appellant</u> ,)
v.	
<u>Sumsion Macdonald, LLC</u> ; and Holland & Hart, LP,)))
Intervenors and <u>Appellee</u> .)

Fourth District, Provo Department, 070400563 The Honorable Fred D. Howard

Attorneys: Jerrold L. Cross, Orem, Appellant Pro Se Steven R. Sumsion and Spencer Macdonald, Provo, for Appellee

Before Judges Greenwood, Thorne, and Davis.

PER CURIAM:

Jerrold L. Cross appeals the district court's order entered on January 20, 2009. This matter is before the court on a sua sponte motion for summary disposition for lack of jurisdiction due to the absence of a final order.

Generally, "[a]n appeal is improper if it is taken from an order or judgment that is not final." <u>Bradbury v. Valencia</u>, 2000 UT 50, ¶ 9, 5 P.3d 649. For an order or judgment to be final, it must "dispose of all parties or claims to an action." <u>Id.</u> ¶ 10.

The only exceptions to this requirement are where: (1) an appeal is permitted under the circumstances by statute, (2) the appellate court grants interlocutory appeal under rule 5 of the Utah Rules of Appellate Procedure, or (3) the trial court certifies the order as final under rule 54(b) of the Utah Rules of Civil Procedure. See id. ¶ 12.

The January 20, 2009 order does not dispose of all parties or claims. The parties do not demonstrate that the January 20, 2009 order was certified as final, pursuant to rule 54(b), or that the order meets any other exception to the final judgment rule. Thus, this court lacks jurisdiction and is required to dismiss the appeal. See id. ¶ 8.

Accordingly, this appeal is dismissed without prejudice to the filing of a timely appeal from a final order.

Pamela T. Greenwood, Presiding Judge

William A. Thorne Jr., Associate Presiding Judge

James Z. Davis, Judge