

IN THE UTAH COURT OF APPEALS

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Cari Allen,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellant,)	
)	Case No. 20080888-CA
v.)	
)	F I L E D
Diane Dimeo,)	(February 5, 2009)
)	
Defendant and Appellee.)	2009 UT App 28

Second District, Farmington Department, 060700194
The Honorable John R. Morris

Attorneys: Cari Allen, Centerville, Appellant Pro Se
Mary C. Corporon, Salt Lake City, for Appellee

Before Judges Thorne, Bench, and Orme.

PER CURIAM:

Cari Allen appeals the district court's order entered on September 18, 2008. This matter is before the court on its own 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." Bradbury v. Valencia, 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." Id. ¶ 10. Whether a contempt order is a final order depends on whether the contempt is classified as civil or criminal. See Von Hake v. Thomas, 759 P.2d 1162, 1167 (Utah 1988). Contempt is classified as civil or criminal based on the district court's purpose in entering the order. See id. at 1168. A contempt order is civil if it has a remedial purpose, either to coerce an individual to comply with a court order or to compensate an aggrieved party for injuries resulting from the failure to comply with an order. See id.

Here, the district court's order was a civil contempt order because it had the remedial purpose of compelling Allen to comply with its order to completely respond to interrogatories and

requests for admissions. If Allen failed to comply, the court indicated that it may dismiss her case. Additionally, the order required Allen to pay Dimeo's attorney fees incurred as a result of Allen's failure to comply with the court's prior order. As a result, the district court's order constitutes a civil contempt order, which is not a final, appealable order. See id. at 1167. Thus, this court lacks jurisdiction over this appeal and must dismiss it. See Bradbury, 2000 UT 50, ¶ 8.

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

William A. Thorne Jr.,
Associate Presiding Judge

Russell W. Bench, Judge

Gregory K. Orme, Judge