

IN THE UTAH COURT OF APPEALS

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Ogden City, a Utah municipal corporation,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	Case No. 20070793-CA
)	
v.)	F I L E D
)	(January 4, 2008)
Bruce Edwards, an individual;)	
and Wesland Development, LLC, a Utah limited liability company,)	2008 UT App 6
)	
Defendants, Counterclaim Plaintiffs, and Appellants,)	
)	
v.)	
)	
Ogden City; and Matthew Godfrey, Mayor of Ogden City,)	
)	
Counterclaim Defendants and Appellees.)	

Second District, Ogden Department, 020900777
The Honorable Parley R. Baldwin

Attorneys: Bruce Edwards, Ogden, Appellant Pro Se
Donald L. Dalton, Salt Lake City, for Appellees

Before Judges Greenwood, Billings, and Davis.

PER CURIAM:

Bruce Edwards appeals the district court's order granting Ogden City and Matthew Godfrey's motion for partial summary judgment and denying his motion for partial summary judgment. This matter is before the court on its own motion for summary disposition based upon the lack of a final appealable order. See Utah R. App. P. 10(e).

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 (citation and internal quotation marks omitted).

The decision appealed from is not a final appealable order because it does not dispose of all issues in the litigation. Edwards enumerated over one hundred issues in his counterclaim. The district court's order adjudicated only five of those claims. Thus, numerous other claims remain to be resolved. Therefore, because the order at issue did not finally dispose of the subject matter of the litigation, the order is not final. See id. When the order appealed from is not a final order, this court lacks jurisdiction to hear this appeal and has no choice but to dismiss it. See Loffredo, 2001 UT 97, ¶ 11.

Accordingly, Edwards's appeal is dismissed without prejudice.

Pamela T. Greenwood,
Presiding Judge

Judith M. Billings, Judge

James Z. Davis, Judge