

IN THE UTAH COURT OF APPEALS

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In the Matter of the Estate)	MEMORANDUM DECISION
of Maribel Artero-Espinoza,)	(Not For Official Publication)
)	
Deceased.)	Case No. 20090023-CA
_____)	
)	
Jose Artero,)	F I L E D
)	(April 23, 2009)
)	
Petitioner and Appellant,)	2009 UT App 105
)	
v.)	
)	
Maritza De Los Angel Suarez,)	
)	
Respondent and Appellee.)	

Third District, Salt Lake Department, 063900960
The Honorable Kate A. Toomey

Attorneys: Jose Artero, Salt Lake City, Appellant Pro Se
Matthew F. McNulty III, Stephen R. Sloan, and
Florence M. Vincent, Salt Lake City, for Appellee

Before Judges Greenwood, Davis, and McHugh.

PER CURIAM:

Jose Artero appeals from the district court's orders of December 5, 2008, and December 26, 2008.¹ This matter is before the court on its own motion for summary disposition based upon lack of jurisdiction due to the absence of a final, appealable order.

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order, or otherwise qualifies for an exception to the final judgment rule. See Loffredo v. Holt, 2001 UT 97, ¶¶ 10, 15, 37 P.3d 1070; Utah R.

¹Franco Contreras, Fidel Flores, and Maria Flores have also filed a docketing statement in this matter. However, these individuals lack standing because they failed to file their own notice of appeal.

App. P. 3(a). 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 (internal quotation marks omitted).

Artero purports to appeal orders entered by the district court on December 5, 2008, and on December 26, 2008. However, these orders did not finally resolve the subject matter of the litigation on the merits. Other issues remain to be resolved by the district court, and the court did not certify either of these orders as final in accordance with rule 54(b) of the Utah Rules of Civil Procedure.² Accordingly, the orders did not finally dispose of all issues in this case. Therefore, the orders were not final, appealable orders, and we lack jurisdiction over this matter. See id. When this court lacks jurisdiction, it must dismiss the appeal. See Loffredo, 2001 UT 97, ¶ 11.

The appeal is dismissed without prejudice to the filing of a timely appeal after the district court enters a final, appealable order.

Pamela T. Greenwood,
Presiding Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge

²Artero requests that this court construe his notice of appeal as a petition for interlocutory appeal. However, this court has the power to do so only when a district court improperly certifies a case as final under rule 54(b) of the Utah Rules of Civil Procedure. See Utah R. App. P. 5(a).