

IN THE UTAH COURT OF APPEALS

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Casey Florence,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellant,	)	
	)	Case No. 20090756-CA
v.	)	
	)	F I L E D
Chad Colbert,	)	(December 17, 2009)
	)	
Defendant and Appellee.	)	<span style="border: 1px solid black; padding: 2px;">2009 UT App 378</span>

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Third District, Salt Lake Department, 070904712  
The Honorable Michele M. Christiansen

Attorneys: Lawrence R. Peterson, Bradley G. Nykamp, Salt Lake  
City, for Appellant

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Before Judges Greenwood, Davis, and Thorne.

PER CURIAM:

Casey Florence appeals the trial court's ruling dismissing his claim. This matter is before the court on its own motion for summary disposition based on a lack of jurisdiction due to the absence of a final order. Neither party responded to the motion.

The trial court's ruling notified the parties of its decision in the case but did not expressly state that no other order was required. Accordingly, under rule 7(f) of the Utah Rules of Civil Procedure, the prevailing party was obligated to submit a proposed order formalizing the decision. See Utah R. Civ. P. 7(f)(2). If the prevailing party fails to fulfill its duty, the nonprevailing party may submit an order to pursue finality. See Code v. Department of Health, 2007 UT 43, ¶ 7, 162 P.3d 1097. Absent specific direction by the court that no other order is necessary, the ruling itself is not a final order and one of the parties must submit an order for the purposes of finality. See id. ¶ 6 ("A court should include this explicit direction whenever it intends a document . . . to constitute its final action. Otherwise, rule 7(f)(2) requires the preparation and filing of an order to trigger finality for purposes of appeal.").

Neither party submitted an order memorializing the trial court's decision. Accordingly, there is no final order for purposes of appeal. Where an appeal is improperly taken, this court lacks jurisdiction and must dismiss it. See Bradbury v. Valencia, 2000 UT 50, ¶ 8, 5 P.3d 649.

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

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Pamela T. Greenwood,  
Presiding Judge

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James Z. Davis, Judge

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William A. Thorne Jr., Judge