

IN THE UTAH COURT OF APPEALS

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In the matter of the)	MEMORANDUM DECISION
Application of Buddy W.)	(Not For Official Publication)
Gregory for the Judicial)	
Dissolution of Gregory,)	Case No. 20090278-CA
Barton & Swapp, P.C.,)	
nka GBS Legal Clinic, P.C.)	
_____)	F I L E D
)	(June 25, 2009)
Mobile Echocardiography, Inc.,)	2009 UT App 177
)	
Appellant,)	
)	
v.)	
)	
DAT&K, LLC,)	
)	
Appellee.)	

Fourth District, Provo Department, 050401014
The Honorable Samuel D. McVey

Attorneys: James E. Magleby, Salt Lake City, for Appellant
Joseph M.R. Covey and Michael T. Hoppe, Salt Lake
City; and Roger G. Jones, Nashville, Tennessee, for
Appellee

Before Judges Thorne, Bench, and Davis.

PER CURIAM:

Mobile Echocardiography, Inc. (Mobile) appeals the district court's order entered March 4, 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." 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. 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.

Mobile concedes that multiple claims remain pending in the district court, and that those claims involve multiple parties. Furthermore, the March 4, 2009 order has not been certified as final under rule 54(b) of the Utah Rules of Civil Procedure. Thus, rule 54(b) requires that this court dismiss the appeal without prejudice. See A.J. Mackay Co. v. Okland Constr. Co., 817 P.2d 323, 325 (Utah 1991).

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

James Z. Davis, Judge