

IN THE UTAH COURT OF APPEALS

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Central Utah Water Conservancy District,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	Case No. 20090270-CA
)	
v.)	F I L E D
)	(June 25, 2009)
Charles A. Gray,)	
)	2009 UT App 175
Defendant and Appellant.)	

Eight District, Duchesne Department, 060800058
The Honorable John R. Anderson

Attorneys: Charles A. Gray, Roosevelt, Appellant Pro Se
Perrin R. Love, Wendy Bowden Crowther, and Joseph D. Kesler, Salt Lake City, for Appellee

Before Judges Greenwood, Thorne, and Davis.

PER CURIAM:

Charles A. Gray appeals the trial court's order granting the Central Utah Water Conservancy District's motion to compel and awarding attorney fees. This is before the court on its own motion for summary disposition based on lack of jurisdiction due to the absence of a final order.

Generally, appeals may be taken only from final orders or judgments. See Utah R. App. P. 3(a). "An 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. To be final, the trial court's order or judgment must end the controversy between the parties. See id.

Here, the order appealed does not end the controversy between the litigants. Rather, it is an order intended to expedite the preliminary fact finding in the case in order to prepare for trial. Because the order granting the motion to compel is not a final order, this court lacks jurisdiction and must dismiss the appeal. See id. ¶ 8.

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

Pamela T. Greenwood,
Presiding Judge

William A. Thorne Jr.,
Associate Presiding Judge

James Z. Davis, Judge