

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Heidi Holm,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner and Appellee,	)	
	)	Case No. 20100581-CA
v.	)	
	)	F I L E D
Thomas A. Janicki,	)	(October 21, 2010)
	)	
Respondent and Appellant.	)	<span style="border: 1px solid black; padding: 2px;">2010 UT App 288</span>

-----

Fifth District, St. George Department, 994500787  
The Honorable James L. Shumate

Attorneys: Thomas A. Janicki, Mesquite, Nevada, Appellant Pro Se  
Martha Pierce, Salt Lake City, Guardian Ad Litem

-----

Before Judges Davis, McHugh, and Christiansen.

PER CURIAM:

Thomas A. Janicki appeals the district court's minute entry entered on June 29, 2010. 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. Indeed, 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 the final judgment rule 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.

The district court's June 29, 2010 minute entry appointed a guardian ad litem, indicated that an answer had been filed, and set the matter for a future trial date. The minute entry did not dispose of all parties or claims to the action, and the minute entry does not qualify for any exception to the final judgment rule. Thus, the minute entry is not final for purposes of

appeal, and this court is required to dismiss the appeal without prejudice. See id.; see also Bradbury 2000 UT 50, ¶ 8.

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

---

James Z. Davis,  
Presiding Judge

---

Carolyn B. McHugh,  
Associate Presiding Judge

---

Michele M. Christiansen, Judge