

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Mirage Landscaping, LLC,	)	MEMORANDUM DECISION	
	)	(Not For Official Publication)	
Plaintiff and Appellee,	)		
	)	Case No. 20090109-CA	
v.	)		
	)	F I L E D	
Jeffrey B. Larsen,	)	(April 2, 2009)	
	)		
Defendant and Appellant.	)	<table border="1"><tr><td>2009 UT App 85</td></tr></table>	2009 UT App 85
2009 UT App 85			

-----

Third District, Salt Lake Department, 080924109  
The Honorable Glenn K. Iwasaki

Attorneys: Jeffrey B. Larsen, Spanish Fork, Appellant Pro Se  
Daniel O. Duffin, Salt Lake City, for Appellee

-----

Before Judges Greenwood, Orme, and Davis.

PER CURIAM:

Jeffrey B. Larsen appeals the district court's order entered on February 2, 2009. This matter is before the court on its own 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.

Larsen seeks to appeal the district court's denial of his motion to dismiss. An order denying a motion to dismiss is an interlocutory order. See Barker v. Utah Pub. Serv. Comm'n, 970 P.2d 702, 706 (Utah 1998). Larsen does not demonstrate that this matter meets any exception to the final judgment rule. Thus, this court lacks jurisdiction and must dismiss the appeal. See Bradbury, 2000 UT 50, ¶ 12.

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

---

Pamela T. Greenwood,  
Presiding Judge

---

Gregory K. Orme, Judge

---

James Z. Davis, Judge