

IN THE UTAH COURT OF APPEALS

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Stanley K. Lucido,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellant,	)	
	)	Case No. 20060588-CA
v.	)	
	)	
Deerbrook Insurance Company;	)	F I L E D
Concentra Managed Care, Inc.;	)	(January 5, 2007)
and Brian A. Davis, M.D.,	)	
	)	2007 UT App 7
Defendants and Appellees.	)	

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Third District, Salt Lake Department, 990908718  
The Honorable John Paul Kennedy

Attorneys: Trent J. Waddoups, Salt Lake City, for Appellant  
Christian W. Nelson and Michael K. Woolley, Salt Lake  
City, for Appellee Deerbrook Insurance Company

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Before Judges Bench, Greenwood, and Thorne.

PER CURIAM:

This case is before the court on Deerbrook Insurance Company's (Deerbrook) motion to dismiss for lack of jurisdiction. Deerbrook argues that this court lacks jurisdiction due to the absence of a final order or judgment. See Utah R. App. P. 3(a).

Stanley K. Lucido filed a notice of appeal on June 2, 2006, indicating that he was appealing from the trial court's orders issued May 3, 2006. At the time the notice of appeal was filed, the trial court had not yet ruled on the issues of rule 11 sanctions and attorney fees. These issues were pending when the notice of appeal was filed.

Because the orders from which Lucido appeals did not resolve all claims of all parties, they are not final orders and cannot be appealed except by granting of a petition for interlocutory appeal. See Loffredo v. Holt, 2001 UT 97, ¶12, 37 P.3d 1070 ("A judgment is not final if the trial court has failed to determine whether attorney fees should be awarded."); ProMax Dev. Corp. v. Raile, 2000 UT 4, ¶15, 998 P.2d 254 (holding that "a trial court

must determine the amount of attorney fees awardable to a party before the judgment becomes final for the purposes of an appeal under Utah Rule of Appellate Procedure 3"). In the absence of a final order, this court lacks jurisdiction and must dismiss the appeal. See Loffredo, 2001 UT 97 at ¶11.

This appeal is dismissed without prejudice to the filing of a timely appeal after a final judgment has been entered.

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Russell W. Bench,  
Presiding Judge

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Pamela T. Greenwood,  
Associate Presiding Judge

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William A. Thorne Jr., Judge