

IN THE UTAH COURT OF APPEALS

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Centennial Pointe Property	)	MEMORANDUM DECISION
Owners Association,	)	(Not For Official Publication)
	)	
Plaintiff and Appellee,	)	Case No. 20070458-CA
	)	
v.	)	F I L E D
	)	(August 16, 2007)
Myriam Onyeabor,	)	
	)	2007 UT App 279
Defendant and Appellant.	)	

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Third District, Salt Lake Department, 040918762  
The Honorable Robert P. Faust

Attorneys: Myriam Onyeabor, Salt Lake City, Appellant Pro Se  
Jeffrey L. Silvestrini and Edward T. Vasquez, Salt  
Lake City, for Appellee

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Before Judges McHugh, Orme, and Thorne.

PER CURIAM:

Appellant Myriam Onyeabor appeals a minute entry decision. This matter is before the court on its sua sponte motion to dismiss for lack of jurisdiction due to the absence of a final, appealable order. See Utah R. App. P. 3(a), 10(e).

An appeal of right may be taken only from a final judgment that "ends the controversy between the parties litigant." Bradbury v. Valencia, 2000 UT 50, ¶9, 5 P.3d 649. "For an order or judgment to be final, it 'must dispose of the case as to all the parties and finally dispose of the subject-matter of the litigation on the merits of the case.'" Id. (quoting Kennedy v. New Era Indus., Inc., 600 P.2d 534, 536 (Utah 1979)). Further, the Utah Supreme Court recently held where Utah Rule of Civil Procedure 7(f)(2) "requires that an order be filed, unless a court explicitly directs that no order needs to be submitted, no finality will be ascribed to a memorandum decision or minute entry for purposes of triggering the running of the time for appeal." Code v. Utah Dep't of Health, 2007 UT 43, ¶9, 578 Utah Adv. Rep. 19.

Here, the trial court specifically directed in its minute entry that Plaintiff's counsel was to prepare appropriate findings, conclusions, and orders. This had not been entered at the time Onyeabor's notice of appeal was filed. Indeed, it remains unclear whether any such order has been entered to date. In any event, it appears that various counterclaims are still pending in the underlying action. See Don Houston, M.D., Inc. v. Intermountain Health Care, 933 P.2d 403, 406 (Utah Ct. App. 1997) ("Generally, a judgment is not a final, appealable order if it does not dispose of all the claims in a case, including counterclaims."). Consequently, the order that Onyeabor seeks to appeal is not a final judgment.

Accordingly, we have no alternative but to dismiss the appeal for lack of jurisdiction. This appeal is dismissed without prejudice to the timely filing of a notice of appeal from a final order, or a properly certified order pursuant to rule 54(b) of the Utah Rules of Civil Procedure.

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge

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William A. Thorne Jr., Judge