

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

In the matter of the Estate)	MEMORANDUM DECISION
of Gary G. Pahl,)	(Not For Official Publication)
)	
Deceased.)	Case No. 20090762-CA
_____)	
)	
KaLynn Ninow,)	F I L E D
)	(December 31, 2009)
)	
Petitioner and Appellee,)	2009 UT App 400
)	
v.)	
)	
Robert Henry Copier,)	
)	
Respondent and Appellant.)	

Third District, Salt Lake Department, 003901101
The Honorable Robert K. Hilder

Attorneys: Robert H. Copier, Salt Lake City, Appellant Pro Se
Daniel F. Van Woerkom and Hala L. Afu Jr., Highland,
for Appellee

Before Judges Greenwood, Orme, and Thorne.

PER CURIAM:

Robert Henry Copier appeals from the district court's order denying his motion to offset and dismiss the remaining claims. This matter is before the court on its sua sponte motion for summary disposition based upon lack of jurisdiction because there is no final, appealable order.

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order, see Utah R. App. P. 3(a), or qualifies for an exception to the final judgment rule. See Loffredo v. Holt, 2001 UT 97, ¶¶ 10, 15, 37 P.3d 1070. An order is final only if it disposes of the case as to all parties and "finally dispose[s] of the subject-matter of the litigation on the merits of the case." Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649 (internal quotation marks omitted).

Copier seeks review of an order denying a motion to offset and dismiss the remaining claims and referring the matter to the trial calendar of the assigned judge. This order did not finally resolve the subject matter of the dispute between the parties. Therefore, the judgment was not a final, appealable order, and we lack jurisdiction over this matter. See id. When this court lacks jurisdiction, it must dismiss the appeal. See Loffredo, 2001 UT 97, ¶ 11.

The appeal is dismissed without prejudice to the filing of a timely appeal after the district court enters a final, appealable order.

Pamela T. Greenwood,
Presiding Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge