

IN THE UTAH COURT OF APPEALS

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Aaron Raiser,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellant,)	
)	Case No. 20050549-CA
v.)	
)	F I L E D
Brigham Young University,)	September 29, 2005
)	
Defendant and Appellee.)	<u>2005 UT App 412</u>

Fourth District, Provo Department, 020403619
The Honorable Fred D. Howard

Attorneys: Aaron Raiser, Canoga Park, California, Appellant
Pro Se
Daniel L. Steele and David M. Kono, Salt Lake City,
for Appellee

Before Judges Bench, Greenwood, and Thorne.

PER CURIAM:

Aaron Raiser seeks to appeal a judgment awarding attorney fees to Brigham Young University (the University). This case is before the court on the University's motion for summary disposition for lack of jurisdiction due to the absence of a final, appealable order or judgment. See Utah R. App. P. 10(a)(1).

This court does not have jurisdiction to consider an appeal unless the appeal 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. A final judgment "end[s] the controversy between the litigants." Id. at ¶12. The judgment awarding attorney fees was the result of a motion for sanctions. It does not end the controversy between the parties, because Raiser's underlying claims remain before the district court. Furthermore, no exceptions to the final judgment rule apply in this case.

When this court lacks jurisdiction it must dismiss the appeal. See Bradbury v. Valencia, 2000 UT 50, ¶8, 5 P.3d 649. Accordingly, Raiser's appeal is dismissed without prejudice to the timely filing of a notice of appeal from a final judgment or order entered by the district court.¹

Russell W. Bench,
Associate Presiding Judge

Pamela T. Greenwood, Judge

William A. Thorne Jr., Judge

¹Because this court lacks jurisdiction over this appeal, we do not address Raiser's motion for sanctions filed with this court.