

IN THE UTAH COURT OF APPEALS

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J. Arturo Riffo,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellant,	)	
	)	Case No. 20100467-CA
v.	)	
	)	
Wright Ventures, Jeffrey A.	)	F I L E D
Wright, and Vanessa DiPalma-	)	(August 12, 2010)
Wright,	)	
	)	2010 UT App 225
Defendants and Appellees.	)	

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Third District, Salt Lake Department, 090903605  
The Honorable Denise P. Lindberg

Attorneys: Jeffery R. Price, Murray, for Appellant  
Lloyd R. Jones, Salt Lake City, for Appellee Wright  
Ventures

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Before Judges Thorne, Voros, and Christiansen.

PER CURIAM:

J. Arturo Riffo appeals the trial court's amended ruling granting defendants' motion to dismiss for failure to prosecute. This is before the court on its own motion for summary disposition based on lack of jurisdiction due to the absence of a final order.

Pursuant to rule 7(f)(2) of the Utah Rules of Civil Procedure, a party must prepare a formal order memorializing a trial court's decision unless one of two exceptions are present: either the court approves a proposed order submitted with a motion or the court explicitly directs the parties that no further order is required. See Utah R. Civ. P. 7(f)(2). Rule 7(f)(2) has been interpreted as "broad and mandatory." Giusti v. Sterling Wentworth Corp., 2009 UT 2, ¶ 30, 201 P.3d 966. A trial court should include the explicit direction that no additional order is needed "whenever it intends a document--memorandum decision, minute entry, or other document--to constitute its final action." Id. (quoting Code v. Department of Health, 2007 UT 43, ¶ 6, 162 P.3d 1097). Absent that specific direction, "rule 7(f)(2) requires the preparation and filing of an order to

trigger finality for the purposes of appeal." Id. This requirement applies to any court decision regardless of how it is titled. See id. ¶ 32.

Here, the trial court's amended ruling did not contain the explicit direction that no further order was necessary. Accordingly, the prevailing party on the motion was not relieved of the obligation to prepare a formal order conforming to the decision. See Utah R. Civ. P. 7(f)(2). As a result, there is no final order from which to appeal. Where an appeal is improperly taken, this court lacks jurisdiction and must dismiss it. See Bradbury v. Valencia, 2000 UT 50, ¶ 8, 5 P.3d 649.

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

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William A. Thorne Jr., Judge

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J. Frederic Voros Jr., Judge

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Michele M. Christiansen, Judge