

IN THE UTAH COURT OF APPEALS

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| Raymond M. Snyder, |) | MEMORANDUM DECISION |
| |) | (Not For Official Publication) |
| Plaintiff and Appellant, |) | |
| |) | Case No. 20100353-CA |
| v. |) | |
| |) | |
| <u>Travelers Indemnity Company of</u> |) | F I L E D |
| <u>America</u> ; Hales Sand & Gravel; |) | (July 9, 2010) |
| Staker & Parson Companies; |) | |
| Anderson and Sons Concrete; |) | 2010 UT App 187 |
| Darrin Anderson; and John |) | |
| Hales, |) | |
| |) | |
| Defendants and <u>Appellee</u> . |) | |

Sixth District, Richfield Department, 090600195
The Honorable Wallace A. Lee

Attorneys: Raymond M. Snyder, Aurora, Appellant Pro Se
Gary L. Johnson and Zachary E. Peterson, Salt Lake
City, for Appellee

Before Judges Orme, Thorne, and Voros.

PER CURIAM:

Raymond M. Snyder seeks to appeal the district court's order denying his motion for relief under rule 60(b) of the Utah Rules of Civil Procedure. This matter is before the court on Travelers Indemnity Company of America's motion for summary disposition based upon lack of jurisdiction. We dismiss the appeal because this court lacks jurisdiction. However, we do so on different grounds than those raised by Travelers. See generally Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989) (stating that "the initial inquiry of any court should always be to determine whether the requested action is within its jurisdiction").

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order 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); see also Utah R. Civ. P. 54(b) (stating that an order "that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and rights and liabilities of all the parties").

Snyder seeks to appeal the district court's order dismissing his claims against Travelers and the district court's order denying his rule 60(b) motion. However, the orders Snyder seeks to appeal are not final because they did not dispose of the case as to all parties. Further, neither the order granting Travelers's motion to dismiss nor the order denying Snyder's motion for rule 60(b) relief were certified as final under rule 54(b) of the Utah Rules of Civil Procedure. See Utah R. Civ. P. 54(b). Therefore, the orders were not final, appealable orders, and we lack jurisdiction over this matter. See Bradbury, 2000 UT 50, ¶ 9. 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.

Gregory K. Orme, Judge

William A. Thorne Jr., Judge

J. Frederic Voros Jr., Judge