

IN THE UTAH COURT OF APPEALS

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Jared Stahura,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellee,)	
)	Case No. 20090366-CA
v.)	
)	F I L E D
Stacy White-Stahura,)	(September 11, 2009)
)	
Respondent and Appellant.)	2009 UT App 258

Fourth District, Provo Department, 074401307
The Honorable Gary D. Stott

Attorneys: Stacy White-Stahura, Thousand Oaks, California,
Appellant Pro Se
Ron D. Wilkinson, Orem, for Appellee

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

Stacy White-Stahura seeks to appeal the district court's order denying her motion to change venue to California. 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.

Generally, this court has jurisdiction over only final orders or judgments. See Utah R. App. P. 3. A judgment is final when it disposes of the subject matter of the litigation on the merits. See Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649. The district court has ongoing jurisdiction in divorce cases, so there may be several final and appealable orders in a single proceeding. See Copier v. Copier, 939 P.2d 202, 203 (Utah Ct. App. 1997) (per curiam). However, to be a final order in the divorce context, the order must resolve the instant specific controversy between the parties. See id.

Here, the district court's order retained jurisdiction and venue to address the issues between the parties. No substantive issue regarding divorce or custody was determined. Accordingly, the order is not a final, appealable order. Where an appeal is

not properly taken, this court lacks jurisdiction and must dismiss the appeal. See Bradbury, 2000 UT 50, ¶ 8.

Dismissed.¹

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge

¹Appellee requests attorney fees on appeal. He has provided no basis for an award of attorney fees. His request is denied.