

IN THE UTAH COURT OF APPEALS

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Joanne L. Stone,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Petitioner and Appellee,)		
)	Case No. 20070030-CA	
v.)		
)	F I L E D	
Todd L. Stone,)	(March 8, 2007)	
)		
Respondent and Appellant.)	<table border="1"><tr><td>2007 UT App 80</td></tr></table>	2007 UT App 80
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Third District, Salt Lake Department, 014903655
The Honorable Tyrone E. Medley

Attorneys: Todd L. Stone, Salt Lake City, Appellant Pro Se
Brent R. Chipman, Salt Lake City, for Appellee

Before Judges Bench, Orme, and Thorne.

PER CURIAM:

Todd L. Stone appeals the district court's order adopting the decision of the Commissioner not to review Mr. Stone's motion for contempt until Mr. Stone pays attorney fees as required by a previous order. This matter is before the court on its sua sponte motion for summary disposition based upon the lack of a final appealable order. See Utah R. App. P. 10.

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 (quotations and citation omitted).

The order appealed from is not a final appealable order because it does not dispose of all issues in the litigation. The order did not actually resolve any issue between the parties. Instead, it affirmed the order of the Commissioner stating that the court would not entertain Mr. Stone's motion until such time as Mr. Stone pays attorney fees required by a previous order. As

such, the order did not finally dispose of the issues involved in the litigation. Further, Mr. Stone has not demonstrated that this order qualifies for any exception to the final judgment rule. See Loffredo, 2001 UT 97 at ¶15. Accordingly, this court lacks jurisdiction to hear this appeal. When this court lacks jurisdiction, it must dismiss the appeal. See id. at ¶11.

Therefore, the appeal is dismissed without prejudice.¹

Russell W. Bench,
Presiding Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge

¹In dismissing this case based upon lack of jurisdiction, the court expresses no opinion as to whether the relief requested could be granted in response to a petition for an extraordinary writ filed pursuant to the applicable Utah rules of civil and appellate procedure. See Utah R. Civ. P. 65B; Utah R. App. P. 19.