IN THE UTAH COURT OF APPEALS

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Loren C. Black, Petitioner and Appellee, v. Trasi Tadahara, Respondent and Appellant.	MEMORANDUM DECISION (Not For Official Publication) Case No. 20090334-CA F I L E D (July 2, 2009) 2009 UT App 183

Third District, Salt Lake Department, 084903937
The Honorable John Paul Kennedy

Attorneys: Jeffrey C. Howe and Colby J. Harmon, Salt Lake City, for Appellant
Gregory B. Wall, Salt Lake City, for Appellee

Before Judges Greenwood, Thorne, and Davis.

PER CURIAM:

Appellant Trasi Tadahara seeks to appeal an oral ruling of the district court finding that Appellee Loren C. Black has standing to bring this paternity action. This case is before the court on a sua sponte motion for summary dismissal because no signed order has been entered by the district court, and even if an order had been entered, the order would not be final and appealable. The sole issue before the court is whether we have jurisdiction to consider the appeal. Therefore, we do not consider Tadahara's arguments related to the merits of the paternity case except as relevant to the jurisdictional issue.

Black was shown by genetic testing to be the biological father of a child born to Tadahara while she was married to another man. Black initiated a paternity action, and Tadahara challenged Black's standing to bring the action. In January 2009, the commissioner ruled that Black lacked standing and recommended dismissal. Black objected and requested a hearing. In an order entered on February 13, 2009, while Black's timely objection was pending, the district court dismissed the paternity action. However, the district court later ordered briefing on the objection and set the matter for a hearing. In an unsigned minute entry, the district court ruled that Black had standing

"as stated on the record" and set the case for further proceedings. Accordingly, the district court orally denied the challenge to Black's standing. The judge did not direct either party to prepare a written order. Neither the district court nor any party prepared an order, and no signed order appears in the record.

Tadahara filed a notice of appeal that states it is taken from an order entered on April 6, 2009, the date of the hearing on Black's objection. The notice of appeal stated that the appeal is "taken from such part of the Order that states: The Petitioner, LOREN C. BLACK, has standing to bring a paternity action in the State of Utah." No written order has been entered, and this language does not appear in the oral ruling.

Tadahara concedes that there is no signed order and that the district court's ruling is not a final judgment resolving all claims raised in the underlying case. Nevertheless, she contends that we can exercise jurisdiction to consider her appeal. This claim is contrary to settled law providing that an unsigned minute entry is not a final appealable order. See, e.g., Utah State Tax Comm. v. Erekson, 714 P.2d 1151 (Utah 1986) (per curiam); see also State v. Crowley, 737 P.2d 198, 198 (Utah 1987) (per curiam) ("An unsigned minute entry does not constitute a final order for purposes of appeal."). Similarly, an oral ruling is not an appealable order. See Ahlstrom v. Anderson, 728 P.2d 979, 979 (Utah 1986) (per curiam) (stating that appellate court cannot consider an appeal in the absence of a final order signed by the trial court).

Furthermore, even if the oral ruling had been memorialized in a signed order, the resulting order would not have been final and appealable. Tadahara concedes that the ruling does not resolve all claims in the paternity action. "An appeal may be taken from a district or juvenile court to the appellate court with jurisdiction over the appeal from all final orders and judgments." Utah R. App. P. 3(a). "To be final, the trial court's order or judgment must dispose of all parties and claims to an action." Bradbury v. Valencia, 2000 UT 50, ¶ 10, 5 P.3d 649. In order to appeal the interlocutory ruling on Black's standing to bring his paternity action, Tadahara must obtain a written order and seek permission from this court to allow a discretionary appeal of the interlocutory ruling pursuant to rule 5 of the Utah Rules of Appellate Procedure. See Utah R. App. P. 5(a) (allowing a party to file a petition for permission to appeal from an interlocutory order within twenty days "after the entry of the order of the trial court").

Accordingly, we dismiss the appeal for lack of jurisdiction, without prejudice to a timely appeal filed after the entry of

final judgment or, alternatively, a timely petition for permission to appeal following the entry of a written order on the ruling on standing.

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Pamela T. Greenwood,
Presiding Judge

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William A. Thorne Jr.,
Associate Presiding Judge

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James Z. Davis, Judge