

IN THE UTAH COURT OF APPEALS

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<u>William York</u> and Nathan York,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellant,)	
)	Case No. 20090563-CA
v.)	
)	
Performance Auto, Inc.;)	F I L E D
"Karl"; James Slavens; and)	(March 25, 2010)
John Does 1-10,)	
)	2010 UT App 73
Defendants and Appellees.)	

Fourth District, Fillmore Department, 090700014
The Honorable Samuel D. McVey

Attorneys: William York, Delta, Appellant Pro Se
James K. Slavens, Fillmore, for Appellees

Before Judges McHugh, Orme, and Voros.

PER CURIAM:

William York seeks to appeal several orders entered by the district court. This matter is before the court on its own motion for summary disposition on the basis that this court lacks jurisdiction because there is no final, appealable order.

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").

York purports to appeal several orders of the district court, which, among other things, denied York's motion to disqualify the district court judge, found York in contempt, and granted a motion to quash service. None of these orders resolved the dispute among all the parties. 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.

Carolyn B. McHugh,
Associate Presiding Judge

Gregory K. Orme, Judge

J. Frederic Voros Jr., Judge