

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 28, 2019

Elisabeth A. Shumaker
Clerk of Court

STARR INDEMNITY & LIABILITY
COMPANY,

Plaintiff - Appellee,

v.

MONAVIE, INC.; MONAVIE LLC,

Defendants.

ANDREW HARBUT; LISA PONTRELLI,

Intervenors - Appellants.

No. 19-4051
(D.C. No. 2:14-CV-00395-DN)
(D. Utah)

ORDER

Before **BACHARACH, PHILLIPS**, and **CARSON**, Circuit Judges.

This court lacks jurisdiction because no final judgment has been entered by the district court and no exception to the final judgment rule is present.

The intervenors appeal an order of the district court granting summary judgment to the plaintiff on its declaratory judgment claim, but not determining the amount owed to it for defense costs incurred in other litigation. That issue is still pending in the district court.

This court has jurisdiction to review only final decisions, 28 U.S.C. § 1291, and specific types of interlocutory orders not applicable here. A final decision is one that disposes of all issues on the merits and leaves nothing for the court to do but execute the judgment. *Van Cauwenberghe v. Biard*, 486 U.S. 517, 521 (1988). An order that only determines liability but leaves the issue of damages to be calculated is not final. *See Albright v. UNUM Life Insurance Co.*, 59 F.3d 1089, 1092-93 (10th Cir. 1995).

Because no final order was entered and no exception to the final judgment rule is present, this appeal is **DISMISSED**.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

by: Ellen Rich Reiter
Counsel to the Clerk