

IN THE SUPREME COURT OF THE STATE OF NEVADA

3883 FLAMINGO CENTER, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY,
Appellant,
vs.
J & J ORTON AND SONS, A
CALIFORNIA LIMITED LIABILITY
COMPANY, LLC; AND LMNOP, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,
Respondents.

No. 87879

FILED

MAY 10 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

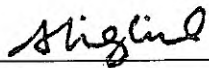
ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion for summary judgment and a joinder to the motion. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

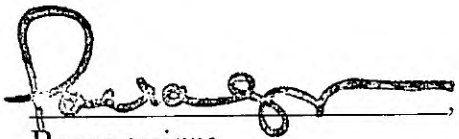
Respondents J & J Orton and Sons have filed a motion to dismiss this appeal for lack of jurisdiction. J & J asserts the challenged order is not appealable as a final judgment under NRAP 3A(b)(1) because, as appellant concedes in the docketing statement, claims remain pending in the district court and the order has not been certified as final under NRCP 54(b). J & J asks that this court deem the appeal frivolous and award it the fees and costs incurred by participation in the settlement process and filing the instant motion. Respondent LMNOP joins the motion and request for fees and costs. Appellant opposes the motion, arguing that it filed the notice of appeal out of an abundance of caution. Appellant asks that J & J be sanctioned for its failure to participate in the settlement program in good faith and that the parties be ordered to participate in the settlement program again. Respondents have replied.

Appellant does not demonstrate, or even argue, that this court has jurisdiction over this appeal. Therefore, we grant the motion and dismiss this appeal for lack of jurisdiction. See *Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction.”). The parties’ requests for sanctions and other relief are denied.

It is so ORDERED.


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Parraguirre

cc: Hon. Nancy L. Alf, District Judge
John Walter Boyer, Settlement Judge
Dickinson Wright PLLC
Fennemore Craig, P.C./Las Vegas
Koeller Nebeker Carlson & Haluck, LLP/Las Vegas
Eighth District Court Clerk