

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES T. "BEAU" WISEMAN AND
CHRISTY WISEMAN,

Appellants,

vs.

WASHOE COUNTY; DEAN R. HINITZ,
PH.D.; JOHN MACINTYRE; VISTAR;
RICHARD M. BALDO, PH.D.; BETTY
SPRUILL; AND RICHARD

BLANCHARD,

Respondents.

No. 43635

FILED

DEC 27 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
DEPUTY CLERK

ORDER DISMISSING APPEAL

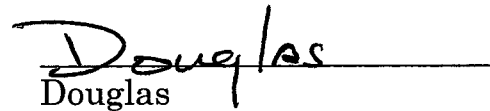
This is an appeal from various district court orders granting respondents' motion to dismiss, motion for summary judgment, and motion for dismissal of appellants' claims. Second Judicial District Court, Washoe County; Peter I. Breen, Judge.

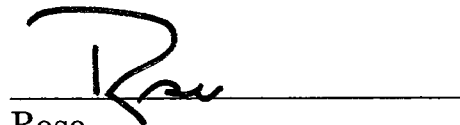
When our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we directed appellants to show cause why we should not dismiss the appeal. Specifically, we were concerned that the district court had not entered a final written judgment adjudicating all the rights and liabilities of all the parties. Accordingly, in the show cause order, we indicated that appellants might cure the apparent jurisdictional defect by obtaining a district court order certifying its orders as final under NRCP 54(b).

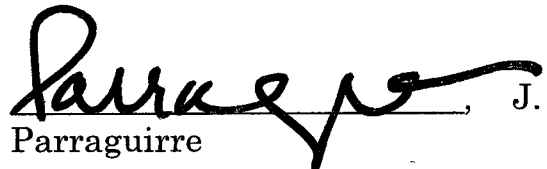
In response, appellants submitted the district court's order certifying its previous orders as final pursuant to NRCP 54(b), leaving respondent Washoe County's counterclaim of abuse of process pending in the district court. But, Washoe County's claim against appellants arises

from the same set of facts and transactions that gave rise to appellants' claims against respondents, and is closely related to the claims the district court resolved.¹ The district court's orders dismissing appellants' claims are thus not amenable to certification under NRCP 54(b).² Accordingly, we lack jurisdiction to entertain this appeal, and we

ORDER this appeal DISMISSED.

 J.
Douglas

 J.
Rose

 J.
Parraguirre

cc: Hon. Peter I. Breen, District Judge
Lester H. Berkson, Settlement Judge
Mirch & Mirch
Kilpatrick Johnston & Adler
Lemons Grundy & Eisenberg
Piscevich & Fenner
Washoe District Court Clerk

¹See Hallicrafters Co. v. Moore, 102 Nev. 526, 728 P.2d 441 (1986); see also KDI Sylvan Pools v. Workman, 107 Nev. 340, 343, 810 P.2d 1217, 1219 (1991) (holding that the district court improvidently certified its order granting summary judgment as final under NRCP 54(b) because respondent's counterclaims pending in the district court, including one of abuse of process, were closely related to the claims the district court resolved).

²Id.