

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL BOGDANOVICH AND RUZA
BOGDANOVICH,
Appellants,
vs.
JUDY LU SHALLENBERGER,
TRUSTEE OF THE JUDY LU
SHALLENBERGER TRUST, DATED
FEBRUARY 29, 1984,
Respondent.

No. 44056

FILED

MAR 22 2005

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

ORDER DISMISSING APPEAL

This is an appeal from various district court orders in an easement case. Ninth Judicial District Court, Douglas County; Michael P. Gibbons, Judge.

When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellants, on January 25, 2005, to show cause why this appeal should not be dismissed. Specifically, we could not discern whether any of the appealed orders resolved the rights and liabilities of all the parties so as to create a final appealable judgment.¹ We also noted that there was no valid NRCP 54(b) certification.

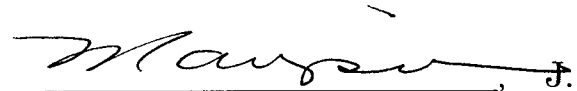
The parties responded by filing a stipulation to dismiss this appeal without prejudice and to remand this matter to the district court. We disapprove the stipulation. Dismissals by this court for lack of


¹See NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).

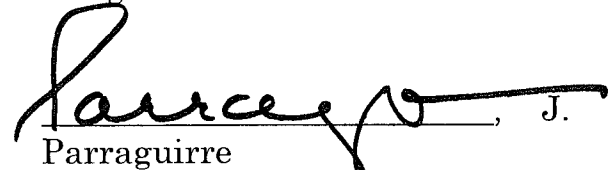
appellate jurisdiction are necessarily with prejudice. But nothing prevents appellants from filing a new appeal if the district court enters a final judgment in this matter. Further, when an appeal is taken prematurely, the district court is not divested of jurisdiction, and there is nothing for this court to remand.²

Because appellants have failed to demonstrate that this court has jurisdiction, we dismiss this appeal.

It is so ORDERED.


Maupin


Douglas


Parraguirre

cc: Hon. Michael P. Gibbons, District Judge
Jeffrey K. Rahbeck
Rowe & Hales
Douglas County Clerk

²Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).