

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY RANSDALL,  
Appellant,  
vs.  
CLARK COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF  
NEVADA,  
Respondent.

No. 44114

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 a September 17, 2004 district court order, certified as final under former NRCPC 54(b), that denied motions regarding a search warrant. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that NRCPC 54(b) certification was improper because the claims asserted in the underlying action are so closely related that this court would necessarily decide important issues pending below in order to decide the issues appealed.<sup>1</sup>

Appellant sought relief in the district court on multiple causes of action, alleging that personal property was seized without a proper warrant based on a constitutionally valid law, in an unreasonable and discriminatory manner, and without a proper inventory being provided. In its September 17 order, the district court denied appellant's motions to

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<sup>1</sup>Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 797 P.2d 978 (1990); Hallicrafters Co. v. Moore, 102 Nev. 526, 728 P.2d 441 (1986).

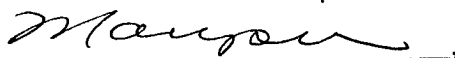
quash the warrant, for an accounting and to return the seized property, concluding that “adequate due process was provided,” that probable cause to issue the search warrant was provided and that “the warrant, the seizure and the accounting were reasonable under the circumstances.” Although the order appears to effectively resolve some of appellant’s claims, it appeared that other claims based on the same set of facts remain, such as appellant’s nuisance claim and his claim that respondent improperly procured the warrant. And it appeared that the remaining claims would necessarily be impacted by the resolution of this appeal. Consequently, it appeared that reviewing the matter at this stage of the proceedings could result in piecemeal litigation, defeating the purpose of NRCP 54(b).

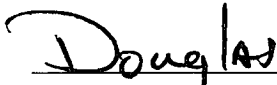
Appellant timely filed a response to our show cause order, asserting that, while this court’s resolution of this appeal could result in piecemeal litigation, it would nevertheless foster judicial economy. In particular, appellant would apparently like this court to address his concerns with the district court’s adjudication methods, specifically the September 17 order’s lack of factual findings. Even if this court’s resolution of appellant’s methodology concerns could somehow foster judicial economy, however, NRCP 54(b) certification remains invalid. If NRCP 54(b) certification were proper, then this court would necessarily review on appeal each of the claim resolutions that were certified as final, not merely the district court’s methodology. Appellant has not demonstrated that NRCP 54(b) certification was proper in this instance, and as it appears that the claims asserted in the underlying action are so closely related that this court would necessarily decide important issues pending below in order to decide the issues appealed, the NRCP 54(b)

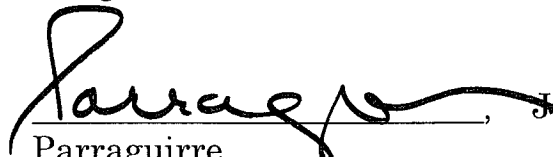
certification was improper and ineffective to vest jurisdiction in this court.<sup>2</sup>

Both appellant and respondent appear to agree that issues remain pending in the district court; thus the September 17 order was not a final judgment.<sup>3</sup> And neither appellant nor respondent opposes dismissal of this appeal. As the September 17 order was not properly certified as final, and as no final judgment has been entered in this matter, we lack jurisdiction over this appeal. Accordingly, we dismiss this appeal; any aggrieved party may appeal from the district court's final judgment in this matter.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>2</sup>Hallicrafters Co., 102 Nev. 526, 728 P.2d 441.

<sup>3</sup>See 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).

cc: Hon. Valorie Vega, District Judge  
Craig A. Hoppe, Settlement Judge  
George E. Cromer  
Markoff & Boyers  
Clark County District Attorney David J. Roger/Civil Division  
Clark County Clerk