

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK W. RUPP,
Appellant,
vs.
FIRST AMERICAN TITLE COMPANY,
A CALIFORNIA CORPORATION,
Respondent.

No. 44358

FILED

JUL 25 2006

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order granting summary judgment in an action concerning breach of contract and fraud. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, when an action involves multiple claims, a judgment is not final, and this court does not have jurisdiction, unless the judgment resolves all of the claims.¹ Here, although the district court's August 26, 2004 order granted summary judgment to respondent on its claims for "money had and received" and "unjust enrichment," the following claims from respondent's July 18, 2003 complaint appear to remain below: "breach of implied contract" and "fraud/conversion." Indeed, the August 26 order expressly denied summary judgment to respondent on these


¹See NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000); see also Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987) (recognizing that jurisdictional rules are "absolute" and "go to the very power of this court to act").


claims, and the court's November 4, 2004 judgment for respondent in the amount of \$77,817.54 failed to address either of them.

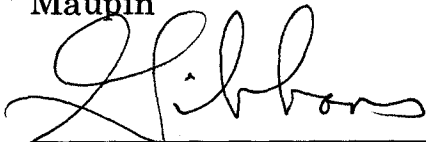
Nothing before this court indicates that the district court entered a final written judgment disposing of all of the claims presented in the underlying matter. Thus, this court lacks jurisdiction to entertain this appeal.²

Accordingly, we

ORDER this appeal DISMISSED.³


_____, C.J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Janet J. Berry, District Judge
Frank W. Rupp
Bader & Ryan
Lyle & Murphy
Washoe District Court Clerk

²See Lee, 116 Nev. 424, 996 P.2d 416.

³In light of this order, appellant's "Motion for Immediate Relief," filed on April 27, 2005, is denied as moot. Likewise, although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the July 10, 2006 proper person document received from appellant and deny as moot any relief request therein.