

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL SIMS, D.D.S.

Appellant,

vs.

NEVADA STATE BOARD OF DENTAL EXAMINERS; A. TED TWESME, D.D.S., PRESIDENT; SAMUEL E. PICK, D.D.S., SECRETARY-TREASURER; DENNIS J. ARCH, D.D.S., DENTIST-MEMBER; LARRY L. CHAMPAGNE, D.M.D., DENTIST-MEMBER; TONY GUILLEN, D.D.S., DENTIST-MEMBER; MICHAEL G. HOLLINGSHEAD, D.D.S., DENTIST-MEMBER; JO ANN C. KELLY, CONSUMER MEMBER; JUDY BOWMER, R.D.H., DENTAL HYGIENE MEMBER; JOYCE HERCEG, R.D.H., DENTAL HYGIENE MEMBER; VALONNE S. HARMON, EXECUTIVE DIRECTION/CENTRAL OFFICE; JOHN A. HUNT, ESQ., AND THE LAW FIRM OF RALEIGH, HUNT & MCGARRY, BOARD LEGAL COUNSEL,

Respondents.

DANIEL SIMS, D.D.S., INDIVIDUALLY,
Appellant,

vs.

SPRINGBROOK NORTHWEST, INC., AN OREGON CORPORATION; VALERIE TSOHANTARIDIS, M.ED.; GREGORY E. SKIPPER, M.D.; SHANE HAYDON; ALYSA HILTON, N.P.; ANNE E. LINTON, M.D.; JIM TRACY, D.D.S.; NEVADA HEALTH PROFESSIONALS ASSISTANCE FOUNDATION, A

No. 46077

FILED

MAY 24 2006

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

NEVADA CORPORATION D/B/A
NEVADA HEALTH PROFESSIONAL
FOUNDATION; VALONE S. HARMON;
AND JOHN HUNT,

Respondents.

ORDER DISMISSING APPEAL


This is an appeal from a district court order entered September 22, 2005, partially granting and partially denying a motion for summary judgment. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

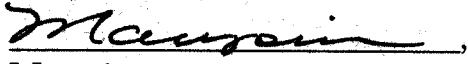
Appellant has filed a "Motion to Withdraw or Dismiss Appeal Without Prejudice." In the motion, appellant states that he "moves for voluntary dismissal on the grounds that the district court order from which he appeals from adjudicated less than all of the claims against the Respondent and is, therefore, not appealable." Appellant moves to dismiss this appeal "without prejudice as to his rights to appeal a final judgment against Respondent."

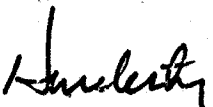
Generally, once this court has dismissed an appeal, it may not be reinstated. However, without expressing an opinion regarding the existence of remedies available to the parties after conclusion of proceedings below, including an appeal to this court, we note that any aggrieved party may appeal from a final judgment of the district court. See NRAP 3A(b)(1). Accordingly, cause appearing, we grant appellant's motion and dismiss this appeal. NRAP 42(b). This dismissal is without

prejudice to the right of any aggrieved party to appeal from a final judgment entered in the action below.

It is so ORDERED.


_____, C.J.
Rose


_____, J.
Maupin


_____, J.
Hardesty

cc: Hon. Lee A. Gates, District Judge
Patti & Sgro, P.C.
Asberom & Brown
Hoffman, Hart & Wagner
Pearson, Kurtz & Cardenas, P.C.
Clark County Clerk