

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK LEHTINEN; CAROLYN L.
LEHTINEN; CARLA NAVARRO; AND
ARBY EL CAMINO PROPERTIES, LLC,
Appellants,

vs.

JOSEPH A. KENNEDY, AS TRUSTEE
OF THE JOKEN TRUST U/A/D 6/1/99,
Respondent.

JACK LEHTINEN; CAROLYN L.
LEHTINEN; CARLA NAVARRO; AND
ARBY EL CAMINO PROPERTIES, LLC,
Appellants,

vs.

JOSEPH A. KENNEDY, AS TRUSTEE
OF THE JOKEN TRUST U/A/D 6/1/99,
Respondent.

No. 46251

FILED

APR 11 2006

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

No. 46710

ORDER DISMISSING APPEAL (DOCKET NO. 46251)

These are consolidated appeals from a district court order granting summary judgment and from a final judgment. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a jurisdictional defect in Docket No. 46251. Specifically, the district court's order entered on October 6, 2005, granting summary judgment in favor of respondent on the specific performance claim, is not substantively appealable.¹ An order that resolves less than all of the claims or the rights

¹See NRAP 3A(b).

and liabilities of all the parties in an action is not appealable as a final judgment absent proper NRCPC 54(b) certification by the district court.²

The district court's October 6, 2005, order did not resolve all of the claims and liabilities of all of the parties and contemplated further proceedings before entry of a final judgment. In particular, the district court ordered appellants to take certain action within a specified period of time and set a status conference regarding that action and for respondent to "bring a proposed Final Judgment . . . reflecting the award of specific performance, which proposed Final Judgment shall provide that the other claims for relief asserted by [appellant] . . . shall then be dismissed and, in addition, shall also provide that the Counterclaim shall be dismissed."³

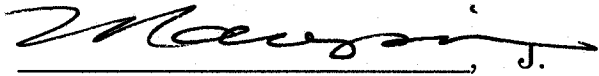
We conclude that we lack jurisdiction over the appeal in Docket No. 46251 and therefore dismiss that appeal. Briefing shall

²See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).

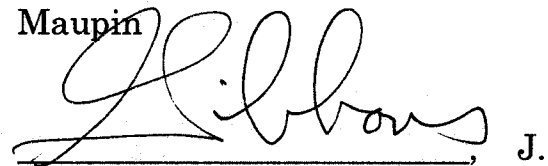
³Over two months later, after additional proceedings, the district court entered a final judgment on all of the claims and counterclaims. Appellants filed a timely notice of appeal from the final judgment, which is pending in this court as Docket No. 46710.

proceed in Docket No. 46710 as provided in this court's March 17, 2006, order.

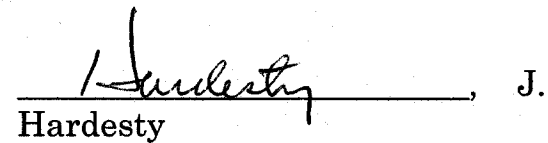
It is so ORDERED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Valerie Adair, District Judge
Howard Roitman, Settlement Judge
Gordon & Silver, Ltd.
Harrison Kemp & Jones, LLP
Ryan, Mercaldo, & Worthington, LLP
Clark County Clerk