

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID COWAN, INDIVIDUALLY, AND  
AS HEIR TO THE ESTATE OF  
KRISTYANNA COWAN, DECEASED, A  
MINOR CHILD; AND KRISTINE  
WEEKS, SPECIAL ADMINISTRATRIX  
OF THE ESTATE OF KRISTYANNA  
COWAN, DECEASED, A MINOR  
CHILD,

Appellants,

vs.

TAMARA BERGERON, N/K/A TAMARA  
SCHMIDT; ROBERT J. "BOBBY"  
SCHMIDT, JR.; ROBERT J. SCHMIDT,  
SR.; MURIEL "MYRA" L. SCHMIDT;  
BEAU MAESTAS; MONIQUE  
MAESTAS; MARILYN MAESTAS;  
HARRY MAESTAS; DESIREE TOWNE;  
SABRINA BANTAM; JERRY BANTAM;  
CAROLYN DEBENHAM; BILL MERLE  
MARTIN; BRUCE DOE; AND RBG,  
LLC, D/B/A CASA BLANCA RESORT &  
CASINO, RESOURCES,

Respondents.

No. 46539

**FILED**

AUG 24 2006

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order, in underlying consolidated actions, that granted certain respondents' motion to dismiss appellants David Cowan's and Kristine Weeks' complaint, and that granted other respondents' motion to dismiss all claims. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

When our review of the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we ordered appellants to show cause why this appeal should not be dismissed.

Specifically, it appeared that the district court had not entered a final written judgment adjudicating all of the parties' rights and liabilities, and the district court did not certify the order from which appellants sought to appeal as final pursuant to NRCP 54(b).<sup>1</sup> In response to our order, appellants filed a voluntary request to dismiss, conceding that this court lacks jurisdiction over this appeal in that claims remain pending in the underlying consolidated district court cases and the order designated in the notice of appeal is not independently appealable. Accordingly, we grant appellants' request to voluntarily dismiss this appeal.<sup>2</sup> The parties shall bear their own attorney fees and costs, if any.

It is so ORDERED.

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

Maupin

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

Gibbons

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

Hardesty

---

<sup>1</sup>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).

<sup>2</sup>NRAP 42(b).

cc: Hon. Valerie Adair, District Judge  
Leslie Mark Stovall  
Barron & Pruitt, LLP  
Stephen M. Caruso  
Clark County Clerk