

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT LANGERMANN,
Appellant,
vs.
TRAVELERS PROPERTY CASUALTY;
AND THE STANDARD FIRE
INSURANCE COMPANY,
Respondents.

No. 47263

FILED

NOV 09 2006

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

ORDER DISMISSING APPEAL IN PART AND AFFIRMING IN PART

This is a proper person appeal from an April 25, 2006 order partially dismissing appellant's complaint and a March 30, 2006 order denying a motion for relief from a previous order that also partially dismissed appellant's complaint. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

As an initial matter, our review of the documents in this appeal reveals a jurisdictional defect with regard to the appeal from the April 25 order partially dismissing appellant's complaint. Specifically, it appears that a final written judgment adjudicating all of the rights and liabilities of all of the parties has not yet been entered in the underlying case. A final judgment is one that disposes of all of the issues presented in the case, and leaves nothing for the future consideration of the court, except certain post-judgment issues.¹ Although the April 25 order dismisses several of appellant's claims against respondents, the order also denies respondents' motion to dismiss some of the claims. Thus, it

¹Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

appears that several of appellant's claims remain pending below.² Because a final judgment has not been entered in the underlying case, we lack jurisdiction over the appeal from the April 25 order, and the appeal from that order is dismissed.

With regard to appellant's appeal from the March 30, 2006 order denying his motion for relief from a previous order that also partially dismissed his complaint, to the extent that this order can be construed as denying a request for NRCP 60(b) relief, such an order is independently appealable.³ NRCP 60(b), however, applies only to final judgments, as its terms only allow parties to seek relief from a final judgment, order or proceeding.⁴ As previously noted, it appears that the district court has not yet entered a final judgment, as several of appellant's claims appear to remain pending below.⁵ Because, the order of partial dismissal that appellant sought relief from was not a final

²We note that the April 25 order does not appear to remove any party from the underlying lawsuit, thus that order does not appear to be amenable to NRCP 54(b) certification.

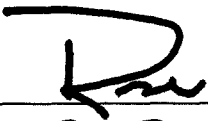
³See Holiday Inn v. Barnett, 103 Nev. 60, 732 P.2d 1376 (1987) (considering an appeal from an order of the district court denying a motion under NRCP 60(b)). To the extent that the March 30 order could be construed as an order denying a motion for reconsideration, we note that such orders are not appealable. See NRAP 3A(b) (listing orders and judgments from which an appeal may be taken); Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983) (stating that an order denying reconsideration is not appealable).

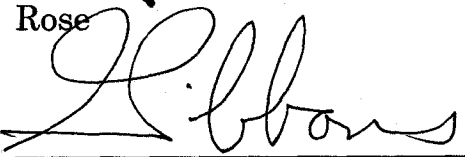
⁴NRCP 60(b); Barry v. Lindner, 119 Nev. 661, 81 P.3d 537 (2003).


⁵See Lee, 116 Nev. 424, 996 P.2d 416.

judgment, his request for NRCP 60(b) relief was improper.⁶ Although the impropriety of appellant's request for NRCP 60(b) relief does not appear to be the basis for the denial of his motion, we nonetheless conclude that the district court reached the correct result, albeit for the wrong reason, and we therefore affirm the March 30 order denying appellant's request for relief.⁷

It is so ORDERED.


_____, C.J.
Rose


_____, J.
Gibbons


_____, J.
Maupin

cc: Hon. Douglas W. Herndon, District Judge
Robert Langermann
Moran & Associates
Clark County Clerk

⁶Barry, 119 Nev. 661, 81 P.3d 537.

⁷See Milender v. Marcum, 110 Nev. 972, 977, 879 P.2d 748, 751 (1994) (stating that this court may affirm rulings of the district court on grounds different from those relied upon below).