

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM J. WILKINS,
Appellant,
vs.
RAY GOOLSBY AND LORI CURTIS,
Respondents.

No. 47523

FILED

NOV 08 2006

ORDER DISMISSING APPEAL

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

This is an appeal from a district court order entered in a declaratory judgment action. Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect. Specifically, it appeared that the order designated in the notice of appeal was not substantively appealable as a final judgment because it contemplated that the case would be set for trial.¹ We therefore ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

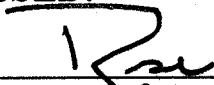
In response to the order to show cause, appellant represents that “[f]or reasons that cannot be succinctly and cogently explained . . . [the district court] signed an earlier, proposed Order instead of entering an order with findings of fact and conclusions. The Order actually signed refers to a bench trial to be scheduled.” But according to appellant, the

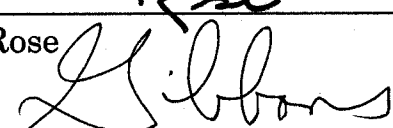
¹See NRAP 3A(b); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000) (explaining that a final judgment is one that disposes of all the issues presented in the case, including all counterclaims, and leaves nothing for future consideration of the court, except certain post-judgment matters).

reference to a trial to be set “is an obvious mistake as the order was entered after the bench trial.” Appellant therefore argues that the district court’s order is the final order in this matter.

Having considered appellant’s response to the order to show cause, we conclude that the district court’s order is not a final, appealable order. The district court’s order clearly contemplates further proceedings and does not appear to be based on a proposed order that predated the April 21, 2006, hearing. Appellant has not sufficiently demonstrated that the district court has entered a final order that resolves all of the claims, rights and liabilities of all the parties.² Accordingly, we conclude that we lack jurisdiction over this appeal. We therefore

ORDER this appeal DISMISSED.


_____, C.J.
Rose


_____, J.
Gibbons


_____, J.
Maupin

cc: Hon. William A. Maddox, District Judge
Partick O. King, Settlement Judge
Brooke Shaw Zumpft
Robert A. Grayson
Carson City Clerk

²See Moran v. Bonneville Square Assocs., 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction.”).