

IN THE SUPREME COURT OF THE STATE OF NEVADA

PRO-BROKERS, INC., A NEVADA
CORPORATION; AND ROGER
THOMPSON, AN INDIVIDUAL,
Appellants,
vs.
BRENT MUHLENBERG,
Respondent.

No. 47760

FILED

JAN 05 2007

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment entered by the district court. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

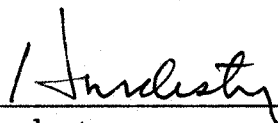
When our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the district court's order might not be substantively appealable because it resolved less than all of the claims or the rights and liabilities of all the parties in the action and was not certified as a final judgment under NRCP 54(b).¹ In particular, the district court's order did not resolve respondent/plaintiff Brent Muhlenberg's claims against defendants Omni Electric, Inc., and Lane Beckwith or appellant/defendant Pro-Brokers' counterclaims against Muhlenberg.

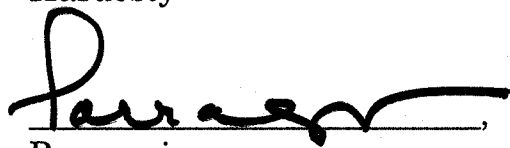
In response to our show cause order, appellants have filed a motion for leave to withdraw this appeal. In that motion, appellants

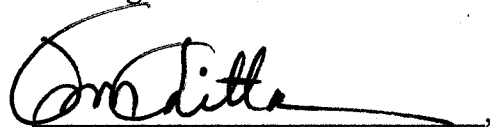
¹See NRAP 3A(b); see also Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

concede that this court lacks jurisdiction for the reasons indicated in the show cause order. We grant the motion and dismiss this appeal.² See NRAP 42(b).

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Valerie Adair, District Judge
William C. Turner, Settlement Judge
Peter W. Guyon
Bogges & Harker
Brooksbank & Associates
Clark County Clerk

²Appellants also indicate that they “inten[d] to seek the NRCP 54(b) certification the JUDGMENT now lacks in the District Court and, if successful, to refile their appeal.” We express no opinion as to whether NRCP 54(b) certification would be appropriate. See NRCP 54(b) (providing that the district court may certify as final an order that completely removes a party from the district court action upon “an express determination that there is no just reason for delay” and “an express direction for the entry of judgment”); Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 611, 797 P.2d 978, 981 (1990) (holding that “[w]hen a district court is asked to certify a judgment based on the elimination of a party,” the court “should weigh the prejudice to the various parties and should certify a judgment as final in a ‘parties’ case if the prejudice to the eliminated party would be greater than the prejudice to the parties remaining below”).