

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY SCHOOL DISTRICT,  
A COUNTY SCHOOL DISTRICT,  
Appellant,


vs.

CLARK COUNTY EDUCATION  
ASSOCIATION, A PUBLIC EMPLOYEE  
ORGANIZATION AND RICHARD  
SANDOVAL, AN INDIVIDUAL,  
Respondents.

No. 47868

**FILED**

DEC 08 2006

JANEITE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting respondents' motion for summary judgment and denying appellant's counter-motion for summary judgment. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

When our preliminary review of this appeal revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the order appealed from was not substantively appealable because it was not a final judgment that resolved the rights and liabilities of all the parties.<sup>1</sup> In particular, the district court did not resolve respondents' request for lost salary and benefits as damages.

---

<sup>1</sup>See NRAP 3A(b); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000) (defining a "final judgment" as one that resolves all of the rights and liabilities of all the parties and leaves nothing for future

*continued on next page . . .*

In response to the show cause order, appellant argues that the district court only retained jurisdiction to address “any disputes which may arise” regarding respondent Sandoval’s entitlement to lost salary and benefits, that the parties have not raised any issues regarding those matters since the district court’s order, and that the parties have treated the order as a final judgment. In their reply to appellant’s response, respondents argue that the district court’s order was not appealable as a final judgment because it specifically retained jurisdiction to determine Sandoval’s entitlement to lost salary and benefits, as requested in the complaint, and therefore did not resolve all of the issues presented in the case. Respondents also inform this court that they recently “completed the calculations necessary to determine” the amounts owed to Sandoval and have submitted a demand to appellant.

Having reviewed the docketing statement, documents submitted pursuant to NRAP 3(e), and the parties’ responses to our order to show cause, we conclude that this court lacks jurisdiction to consider this appeal. The district court’s order failed to finally resolve respondents’ complaint’s request for damages, specifically, lost salary and benefits. Therefore, the order did not resolve all of the rights and liabilities of the parties in the action below. As such, the district court’s order is not a final, appealable order. Accordingly, we conclude that this court lacks

---

*... continued*

consideration, except for certain post-judgment matters such as fees and costs).

jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.<sup>2</sup>

Becker, J.  
Becker

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Lester H. Berkson, Settlement Judge  
Clark County School District Legal Department  
Dyer, Lawrence, Penrose, Flaherty & Donaldson  
Clark County Clerk

---

<sup>2</sup>In light of our disposition of this appeal, we deny as moot appellant's motion for a stay and motion to file a reply to respondents' opposition to the motion for a stay.