

IN THE SUPREME COURT OF THE STATE OF NEVADA

SABRECO, INC., A NEVADA CORPORATION,
Appellant,

vs.

OSCAR AND BERTHA FUENTES; AND
EQUITY TITLE, LLC, A NEVADA LIMITED
LIABILITY COMPANY,
Respondents.

No. 48812

FILED

JUN 02 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

EQUITY TITLE, LLC, A NEVADA LIMITED
LIABILITY COMPANY,
Appellant,

vs.

SABRECO, INC., A NEVADA CORPORATION;
AND OSCAR AND BERTHA FUENTES,
Respondents.

ORDER DISMISSING APPEAL AND CROSS-APPEAL

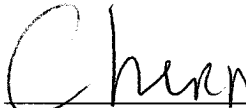
This is an appeal and cross-appeal from a district court judgment granting specific performance in a real property contract dispute. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.


On March 25, 2009, we ordered Sabreco, Inc. and Equity Title, LLC to show cause why this appeal and cross-appeal should not be dismissed for lack of jurisdiction, because it appeared that the district court had not entered a final written judgment adjudicating all the rights and liabilities of all the parties. See NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). They timely responded, and Oscar and Bertha Fuentes filed a reply as permitted.

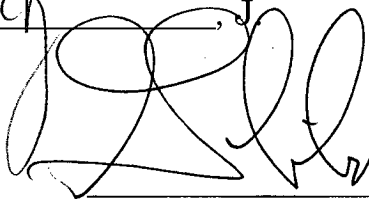
In their responses, the parties concede that claims remain pending and that, as a result, no final judgment has been entered.

Although our show cause order indicated that a premature notice of appeal does not divest the district court of jurisdiction to act, the parties respond that the district court has declined to enter a written judgment adjudicating all the rights and liabilities of all the parties. As there is no final judgment in this case, we lack jurisdiction over this appeal and cross-appeal. See NRAP 3A(b)(1); Lee, 116 Nev. 424, 996 P.2d 416; KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991). Accordingly, we

ORDER this appeal and cross-appeal DISMISSED.¹


Cherry, J.


Saitta, J.


Gibbons, J.

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Craig A. Hoppe, Settlement Judge
Marquis & Aurbach
Deaner, Deaner, Scann, Malan & Larsen
Meier & Fine, LLC
Eighth District Court Clerk

¹In light of this order, we deny as moot appellant Equity Title, LLC's September 29, 2008, motion to dismiss and strike from the reply brief issues regarding attorney fees and costs and appellant Sabreco, Inc.'s October 2, 2008, motion for leave to file a single reply brief. The parties may challenge any interlocutory orders by which they are aggrieved in the context of an appeal from a final judgment. Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998).