

IN THE SUPREME COURT OF THE STATE OF NEVADA

COPPER SAGE COMMERCE CENTER,
LLC, A NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

ADIB M. AL-AWAR AND ELLEN A. AL-
AWAR, AS TRUSTEE OF THE AL-
AWAR LIVING TRUST DATED
04/05/01; AUGUST J. AMARAL, INC., A
NEVADA CORPORATION; WAYNE
DOTSON CO., A NEVADA
CORPORATION; MICHAEL T.
BRIDGES, TRUSTEE OF THE
BRIDGES FAMILY TRUST; SPANISH
SPRINGS MINI-STORAGE, A NEVADA
GENERAL PARTNERSHIP; SHER
CIARAMITARO, TRUSTEE OF THE
LIVING TRUST OF SHER
CIARAMITARO DATED 08/24/94;
GARTH NEAL CLIFFORD AND
ROSEMARY CLIFFORD, HUSBAND
AND WIFE; DUANE U. DEVERILL,
TRUSTEE OF THE NEVADA
FREEDOM CORP., PSP DATED
10/01/90; RICHARD R. DUBOVICK AND
JOAN M. DUBOVICK, AS TRUSTEE OF
THE RICHARD DUBOVICK AND JOAN
M. DUBOVICK TRUST; JANE FALKE,
TRUSTEE OF THE JANE FALKE
LIVING TRUST DATED 10/16/01;
BYRNE E. FALKE, SR., TRUSTEE OF
THE VILLAGE HARDWARE PENSION
TRUST; BYRNE E. FALKE, TRUSTEE
OF THE FALKE FAMILY TRUST
DATED 08/22/89; ALLEN K. FORBES,
INDIVIDUALLY; EDWARD C. FRASER
AND MARJORIE E. FRASER, AS
TRUSTEE OF THE FRASER

No. 49784

FILED

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JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

REVOCABLE INTER VIVOS TRUST DATED 06/30/82,;PAUL L. GARCELL, AS TRUSTEE OF THE PAUL L. GARCELL & PAMELA HERTZ REVOCABLE FAMILY TRUST; JAMES PAUL GOODE, INDIVIDUALLY; ROBERTA K. HATFIELD, AS TRUSTEE OF THE 2001 R.K. HATFIELD FAMILY TRUST DATED 06/01; JAY E. HENMAN, AS TRUSTEE OF THE JAY E. HENMAN RETIREMENT PLAN; JANICE J. HERGERT, AS TRUSTEE OF THE JANICE J. HERGERT REVOCABLE LIVING TRUST DATED 09/15/00; MURRAY HERTZ, INDIVIDUALLY; SUSAN M. JONES, AS TRUSTEE OF THE CADD FAMILY LIVING TRUST DATED 08/20/96; FIRST SAVINGS BANK, CUSTODIAN FOR STEWART S. KARLINSKY IRA; RYAN E. KURLINSKI, INDIVIDUALLY; TERRY MARKWELL, AS TRUSTEE OF THE TERRY MARKWELL PROFIT SHARING PLAN & TRUST; JAMES M. MCCONNELL AND MAUDRENE R. MCCONNELL, AS TRUSTEES OF THE MCCONNELL FAMILY TRUST DATED 12/3/81; MONIGHETTI, INC., A NEVADA CORPORATION; ANNE MARIE MUELLER AND CHARLES POLLARD, JR., HUSBAND AND WIFE; WALTER MUSSO AND BARBARA MUSSO, AS TRUSTEES OF THE MUSSO FAMILY TRUST DATED 11/30/92; CREATING MOVING EXPERIENCES, A NEVADA COMPANY; DAVID A. PALMER, AS TRUSTEE UA 02/13/90 FOR THE BENEFIT OF THE PALMER FAMILY TRUST; FIRST SAVINGS BANK, CUSTODIAN FOR ROBERT L. PECH

IRA; NELLIE PLESER, AS TRUSTEE OF THE PLESER FAMILY TRUST DATED 01/28/00; YANKEE HOLDINGS, LLC, AN ARIZONA CORPORATION; NICHOLAS J. SANTORO AND JUANITA SANTORO, AS TRUSTEES OF THE SANTORO FAMILY TRUST U/T/D 04/29/02; JOHN H. SAUNDERS AND ANITA SAUNDERS, HUSBAND AND WIFE; MYRON G. SAYAN, INDIVIDUALLY; LOUIS H. SHAHIN, AS TRUSTOR AND TRUSTEE OF THE LOUIS H. SHAHIN TRUST DATED 06/09/94, ANDREW H. SHAHIN, AS TRUSTOR AND TRUSTEE OF THE ANDREW H. SHAHIN TRUST DATED 06/06/94; RIFQA SHAHIN, AS TRUSTOR AND TRUSTEE OF THE RIFQA SHAHIN TRUST DATED 06/08/94; REA CHARLES STONIER AND CAROL STONIER, AS TRUSTEES OF THE STONIER FAMILY 1994 LIVING TRUST DATED 11/21/1994; WILLIAM E. TRAPPMAN AND CAROL B. TRAPPMAN, HUSBAND AND WIFE; MELODY J. VIOLET, INDIVIDUALLY; LINDA C. VLAUTIN, AS TRUSTEE OF THE LINDA C. VLAUTIN TRUST DATED 10/31/94; SHIRLEY MAE WILLARD, AS TRUSTEE OF THE WILLARD FAMILY TRUST; ALBERT WINEMILLER, INC., A NEVADA CORPORATION; ALBERT E. WINEMILLER LIMITED PARTNERSHIP, A NEVADA LIMITED PARTNERSHIP; AND MICHAELIAN HOLDINGS, LLC, A NEVADA LIMITED LIABILITY COMPANY,

Respondents.

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion for summary judgment. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

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 district court's order might not be substantively appealable because it did not resolve all of the claims or the rights and liabilities of all the parties and had not been certified as a final judgment under NRCP 54(b).¹ In particular, several of the defendants had not joined in the motion for summary judgment and were not clearly addressed in the district court's order. Accordingly, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

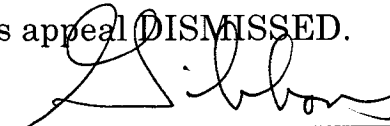
In response, appellant explains that it filed the notice of appeal as a precautionary measure because it was unsure whether the summary judgment order was a final appealable order. Appellant further represents that the district court has since entered an order clarifying that the summary judgment order did not resolve the claims against Jay E. Henman, as Trustee of the Jay E. Henman Retirement Plan; Myron G. Sayan; and Nicholas J. Santoro and Juanita Santoro, as Trustees of the


¹See NRAP 3A(b) (listing appealable orders and judgments); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000) (defining "final judgment" for purposes of NRAP 3A(b)(1)); NRCP 54(b) (providing that the district court may certify an order or judgment as final if it eliminates one or more parties and the court determines that there is no just reason for delay and directs entry of a final judgment).


Santoro Family Trust. Based on that order, appellant agrees that the claims against those defendants remain pending and therefore the summary judgment order is not appealable under NRAP 3A(b)(1). Respondents have not filed a reply to the response.

Having considered appellant's response, we conclude that the summary judgment order is not appealable and therefore we lack jurisdiction over this appeal. Accordingly, we

ORDER this appeal ~~DISMISSED~~.


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Susan Johnson, District Judge
Hutchison & Steffen, Ltd.
Albright Stoddard Warnick & Albright
Sher Ciaramitaro
Garth Neal Clifford
Rosemary Clifford
Creating Moving Experiences
Jay E. Henman
Juanita Santoro
Nicholas J. Santoro
Myron G. Sayan
Wayne Dotson Co.
Eighth District Court Clerk