

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT LANNON,
Appellant,
vs.
MARK EDEN, INDIVIDUALLY AND
D/B/A THE INDO TOOL COMPANY OF
CANADA; THE ESTATE OF MARK
EDEN; INDO TOOL COMPANY OF
CANADA, A CANADIAN
CORPORATION; SARA PESS A/K/A
BERYL PESS, INDIVIDUALLY AND AS
THE EXECUTOR OF THE ESTATE OF
MARK EDEN,
Respondents.

No. 49798

FILED

JAN 11 2008

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY T. Alvarado
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion for summary judgment in favor of respondents. Eighth Judicial District Court, Clark County; Michael Villani, 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: 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 and had not been certified as a final judgment under NRCP 54(b).¹ In particular, although

¹See NRAP 3A(b); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000) (defining "final judgment" for purposes of NRAP 3A(b)(1)); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979); NRCP 54(b) (providing that district court may certify a judgment or order as final

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the district court had granted summary judgment in favor of respondents on the claims alleged in appellant's complaint, it appeared that the district court had not yet resolved the counterclaims against appellant. Accordingly, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

In response to the show cause order, appellant argues that the district court's summary judgment decision on appellant's claim for quiet title necessarily resolved the counterclaim for quiet title but acknowledges that the district court has not yet resolved the counterclaim for slander of title. Appellant represents that it he has attempted to convince respondents to voluntarily dismiss the pending counterclaim; however, no order dismissing the counterclaim has been entered. As a result, appellant suggests that this court stay this appeal until the pending counterclaim has been resolved. In response, respondents agree that the counterclaim for quiet title has been resolved but that the counterclaim for slander of title remains pending, and they therefore argue that because the district court has not entered a final judgment, this appeal should be dismissed for lack of jurisdiction. We agree with respondents.

The parties agree that the district court has not entered a final judgment as the counterclaim for slander of title remains pending in the district court. The district court's order granting summary judgment

... continued

if it eliminates one or more parties and the district court determines that there is no just reason for delay and directs entry of a final judgment).

therefore is not appealable under NRAP 3A(b)(1).² And appellant has not demonstrated that the order is appealable under any other court rule or statute.³ Accordingly, we conclude that this court lacks jurisdiction over this appeal, and we therefore

ORDER this appeal DISMISSED.

Maupin, J.

Maupin

Cherry, J.

Cherry

Saitta, J.

Saitta

cc: Hon. Michael Villani, District Judge
William F. Buchanan, Settlement Judge
Roger P. Croteau & Associates, Ltd.
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk

²Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000) (defining “final judgment” for purposes of NRAP 3A(b)(1)).

³Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984) (explaining that this court has jurisdiction only as provided by statute or court rule); see also 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.”).