


IN THE SUPREME COURT OF THE STATE OF NEVADA

SOCRATES ROUSSOS,
Appellant,
vs.
TERRI GILMORE,
Respondent.

No. 51090

FILED

AUG 25 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion for either NRCP 59(a) new trial relief or NRCP 60(b) relief from an amended judgment. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

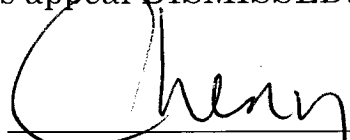
On June 23, 2009, we entered an order to show cause why this appeal should not be dismissed for lack of jurisdiction, because it appeared that the district court had not entered a final, written judgment in this matter, as certain claims and counterclaims appeared to remain pending. See NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Appellant timely responded to our order to show cause.

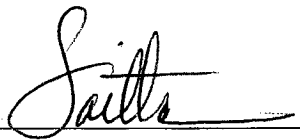
In response, appellant provided this court with a copy of a stipulation and order dismissing with prejudice respondent's claims against defendants Callaway & Price, Inc., and Curtis L. Phillips, entered on January 29, 2009. With respect to the remaining claims, appellant contends that they were orally dismissed, as shown in the court's minutes, but he agrees that no written order memorializing the district court's oral ruling exists.

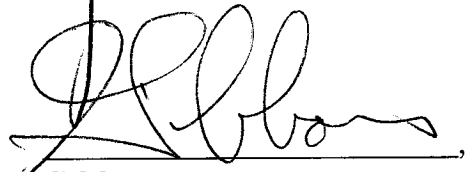
We have previously held that "[t]he district court's oral pronouncement from the bench, the clerk's minute order, and even an unfiled written order are ineffective for any purpose and cannot be

appealed.” Rust v. Clark Cty. School District, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987); see also State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004). Because the district court’s oral ruling was ineffective to resolve respondent’s counterclaims against appellant, those claims remain pending below, and no final judgment exists from which an appeal may be taken. See NRAP 3A(b)(2) (allowing an appeal from a special order after final judgment); KDI Sylvan Pools v. Workman, 107 Nev. 340, 343, 810 P.2d 1217, 1219 (1991) (explaining that no final judgment exists when counterclaims remain pending below); Marcuse v. Del Webb Communities, 123 Nev. 278, 283 n.3, 163 P.3d 462, 466 n.3 (2007) (recognizing that a district court’s order denying a NRCP 60(b) motion for relief is independently appealable as a special order after final judgment); Reno Hilton Resort Corp. v. Verderber, 121 Nev. 1, 6, 106 P.3d 134, 137 (2005) (concluding “that NRAP 3A(b)(2) does not permit an appeal from an order granting or denying a new trial motion addressed to an interlocutory order or judgment”). Accordingly, as we lack jurisdiction over this appeal, we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Michelle Leavitt, District Judge
Lansford W. Levitt, Settlement Judge
Law Firm of Chasey Honodel
Law Offices of James J. Lee
Eighth District Court Clerk