

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALLEN ANES; EILEEN ANES; AND ALLEN ANES OR EILEEN ANES, TRUSTEES OF THE ANES FAMILY TRUST,

Appellants,

vs.

ROBERT B. BRINTON; BRINTON INCORPORATED; ROBERT B. BRINTON, TRUSTEE OF THE ROBERT B. BRINTON SEPARATE PROPERTY TRUST; ALBERT A. FLANGAS; ALBERT A. FLANGAS D/B/A AF PROPERTIES AND INVESTMENTS; STEWART TITLE OF NEVADA, INC.; STEWART TITLE GUARANTY COMPANY; UNITED TITLE OF NEVADA, A NEVADA CORPORATION; AND SEVEN VALLEY REALTY, INC., A NEVADA CORPORATION,

Respondents.

ALLEN ANES; EILEEN ANES; AND THE ANES FAMILY TRUST,

Appellants/Cross-Respondents,

vs.

ALBERT A. FLANGAS; ALBERT A. FLANGAS D/B/A AF PROPERTIES AND INVESTMENTS; STEWART TITLE OF NEVADA, INC.; STEWART TITLE GUARANTY COMPANY; UNITED TITLE OF NEVADA; ROBERT B. BRINTON, AS TRUSTEE OF THE JO RAE REAL ESTATE TRUST, UNDER AGREEMENT DATED MAY 8, 1994; AND SEVEN VALLEY REALTY, INC.,

Respondents,

and

ROBERT B. BRINTON; BRINTON INCORPORATED; AND ROBERT B. BRINTON, TRUSTEE OF THE ROBERT B. BRINTON SEPARATE PROPERTY TRUST,

Respondents/Cross-Appellants.

No. 31694

FILED

MAY 22 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

No. 34495

ALBERT A. FLANGAS; ALBERT A.
FLANGAS D/B/A AF PROPERTIES AND
INVESTMENTS,

Appellants,

vs.

ALLEN ANES; EILEEN ANES; AND ALLEN
ANES OR EILEEN ANES, TRUSTEES OF
THE ANES FAMILY TRUST,

Respondents.

ORDER DENYING REHEARING (NO. 34495)

AND DISMISSING APPEALS (NOS. 31694 AND 34613)

These are consolidated appeals from orders and judgments entered by the district court in a real estate matter. On December 8, 2000, we dismissed the appeal in Docket No. 34495 and ordered responses regarding jurisdiction in Docket Nos. 31694 and 34613. In response, appellants/cross-respondents Anes filed a petition for rehearing of our order dismissing their appeal in Docket No. 34495, and appellants Flangas/AF Properties filed a notice of non-response with respect to their appeal in Docket No. 34613.

We have considered the Aneses' rehearing petition in Docket No. 34495 and conclude that rehearing is not warranted. Their notice of appeal was filed on July 7, 1999, after the district court entered its June 7, 1999 judgment, but before the district court dismissed all of the Aneses' claims against Flangas/AF Properties under NRCP 41(e). As noted in our previous order, although the district court orally dismissed the Aneses' claims against Flangas/AF Properties at trial, it did not enter a formal written order dismissing those claims until September 27, 1999. Until the district court formally resolved all claims against all parties, claims were still pending. Thus, the June 7 judgment was not a final,

appealable judgment.¹ Further, it appears that the district court's September 27, 1999 order was not the final judgment in this matter: on January 24, 2000, the district court entered an order granting, in part, the Brinton defendants' NRCP 41(b) motion to dismiss the Aneses' claims. In particular, the court dismissed the Aneses' second, third and tenth causes of action as to the Brinton defendants. Thus, the Aneses' July 7, 1999 notice of appeal was premature and failed to vest jurisdiction in this court.

With regard to Docket No. 31694, the Aneses have not responded to our directive regarding jurisdiction. Thus, based on the observations made in our prior order, we conclude that we lack jurisdiction over that appeal. Finally, with respect to Docket No. 34613, we previously noted that the notice of appeal appeared premature; Flangas/AF Properties filed a non-response to our order. We therefore conclude that we lack jurisdiction over that appeal as well.²

Accordingly, we deny rehearing in Docket No. 34495, and dismiss the appeals in Docket Nos. 31694 and 34613.

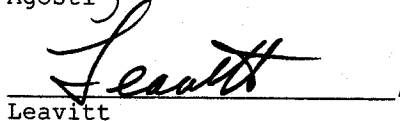
It is so ORDERED.³



Shearing J.



Agosti J.



Leavitt J.

¹See *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rust v. Clark Cty. School District*, 103 Nev. 686, 747 P.2d 1380 (1987).

²We deny as moot the Aneses' motion and countermotion to dismiss appeal filed in Docket No. 34613. In addition, we deny as moot Flangas/AF Properties' motion, filed October 11, 2000, for extension of time to file the opening brief and answering brief.

³We grant the Aneses' unopposed motion to file exhibits to their rehearing petition.

cc: Hon. Gene T. Porter, District Judge
Hon. Stephen L. Huffaker, District Judge
Robert S. Apfelberg, Settlement Judge
Netzorg & Caschette
Bible Hoy & Trachok
Law Offices of Michael F. Bohn, Ltd.
Gerrard & Cox
Michael H. Singer, Ltd.
Swanson-Flangas, L.L.C.
Clark County Clerk