

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODY H. SCOTT,

Appellant,

vs.

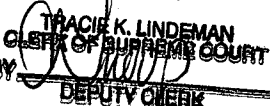
THE EQUITY GROUP, INC., A
NEVADA CORPORATION; AND STG
REALTY VENTURES, INC., A
FOREIGN CORPORATION,

Respondents.

No. 51780

FILED

JAN 22 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

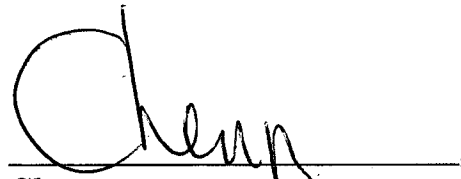
ORDER DISMISSING APPEAL

This is an appeal from a special verdict form, a judgment awarding costs and denying a motion for attorney fees and an order denying a motion for judgment notwithstanding the verdict or in the alternative new trial, entered in a personal injury action. Our preliminary review of the docketing statement and documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect. Specifically, it appeared that none of the challenged orders were substantively appealable, as it appeared claims remained pending below. See NRAP 4(a)(1) (providing that the notice of appeal must be filed after entry of a written judgment). Accordingly, on December 5, 2008, this court entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

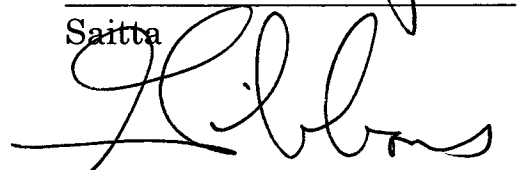
Appellant has now filed a response to our order to show cause in which he admits that no final judgment has been entered by the district

court.¹ Accordingly, this court lacks jurisdiction over the June 8, 2007, special verdict form, the February 29, 2008, judgment regarding attorney fees and costs,² and the April 23, 2008, order denying motion for judgment notwithstanding the verdict or in the alternative new trial. See Reno Hilton Corp. v. Verderber, 121 Nev. 1, 106 P.3d 134 (2005) (holding that no appeal lies from interlocutory orders resolving new trial motions). This appeal is dismissed.

It is so ORDERED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Jennifer Togliatti, District Judge
William F. Buchanan, Settlement Judge
Bowen Monson, LLC
Bennion Clayson & Marias
Eighth District Court Clerk

¹Respondents filed a reply to appellant's response on January 5, 2009.

²As no final judgment has been entered, the judgment regarding attorney fees and costs is not appealable as a special order after final judgment pursuant to NRAP 3A(b)(2).