

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT REDEAUX,

Appellant,

vs.

K & R HOMES, LLC, A CALIFORNIA  
LIMITED LIABILITY COMPANY;  
REYNEN & BARDIS DEVELOPMENT  
(NEVADA), LLC, A NEVADA LIMITED  
LIABILITY COMPANY; REYNEN &  
BARDIS COMMUNITIES, INC., A  
NEVADA CORPORATION; AND  
SIERRA BARAJAS ROOFING, INC., A  
NEVADA CORPORATION,

Respondents.

No. 51844

**FILED**

DEC 02 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order granting a motion to dismiss, and an order granting a motion to dismiss and denying reconsideration.<sup>1</sup> An order that resolves less than all of the claims or the rights and liabilities of all the parties in an action is not appealable as a final judgment absent proper NRCP 54(b) certification by the district court.<sup>2</sup>

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<sup>1</sup>Appellant filed a notice of appeal on June 6, 2008, and a first amended notice of appeal on July 3, 2008.

<sup>2</sup>See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).

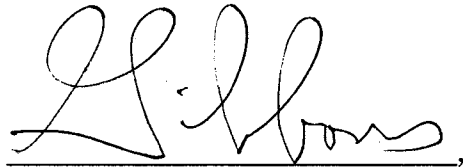
In his docketing statement, filed June 30, 2008, appellant indicates that the orders appealed from did not adjudicate all the claims alleged below. Further, appellant indicates that proper NRCP 54(b) certification was not obtained. Based on our review of the documents, it appears that appellant is correct. Specifically, it appears that appellant's claims against Express Plumbing remain pending below, and the judgments appealed from have not been certified under NRCP 54(b). Therefore, it appears that this court lacks jurisdiction over this appeal.

Appellant has filed a "Motion to Determine Appellate Jurisdiction," wherein he admits that claims against Express Plumbing remain pending below, and states that "it appears highly doubtful that a Rule 54(b) certification and direction could be obtained." Appellant indicates that he "has no stake i[n] contending for, or against, the existence of appellate jurisdiction at this juncture," and that "[h]is only desire is to preserve his appellate rights."

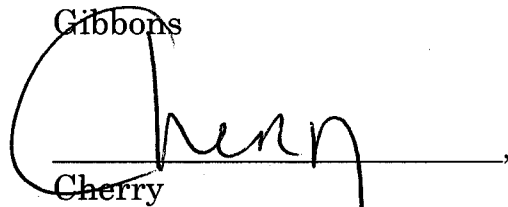
Respondents K & R Homes, LLC, Reynen & Bardis Development, LLC, and Reynen & Bardis Communities, Inc. (respondents) have filed a response to appellant's motion, wherein they move for dismissal of this appeal for lack of jurisdiction based on the aforementioned defect. Cause appearing, respondents' motion is granted. This appeal is dismissed. This dismissal is without prejudice to the rights

of any party aggrieved by the district court's final judgment to appeal from that judgment. See NRAP 3A(a).


It is so ORDERED.<sup>3</sup>

 J.

Gibbons

 J.

Cherry

 J.

Saitta

cc: Hon. Steven P. Elliott, District Court Judge  
Philip A. Olsen, Settlement Judge  
Bradley Drendel & Jeanney  
Randolph C. Wright  
Gunderson Law Firm  
Hale Lane Peek Dennison & Howard/Reno  
Lewis & Roca, LLP/Reno  
Second District Court Clerk

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<sup>3</sup>Appellant's motion to stay briefing filed on November 19, 2008, is denied as moot.