

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRIENDLY BEAR PLAZA LTD., AN
ILLINOIS CORPORATION,
Appellant,

vs.

ED WEBB, AN INDIVIDUAL; MARILYN
WEBB, AN INDIVIDUAL; CHARLES
REEDER, AN INDIVIDUAL; AND
STEPHEN REEDER, AN INDIVIDUAL,
Respondents.

No. 51990

FILED

MAR 03 2009

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

ORDER DISMISSING APPEAL

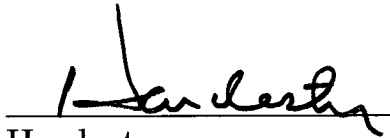
This is an appeal from district court orders granting a motion to dismiss and denying motions for a new trial and to amend the findings of fact and conclusions of law. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

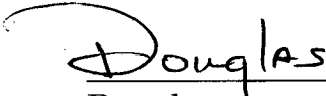
Respondents have filed motions to dismiss this appeal and to strike the notice of appeal and docketing statement. Appellant has filed oppositions to these motions. Respondents argue that their motions should be granted because the notice of appeal improperly listed "Arthur Wulf, Assignee of all rights Friendly Bear Plaza, Ltd." as the appellant, but Arthur Wulf was not a party below and therefore cannot file this appeal. Appellant argues that this is merely a clerical issue, that all parties involved were aware that Friendly Bear Plaza Ltd. is the appealing party and that therefore the appeal is properly filed.

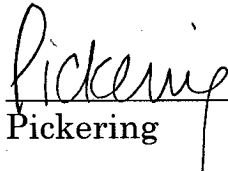
Having reviewed the motions and relevant documents, we conclude that respondents' motion should be granted and the appeal dismissed. Arthur Wulf was not a party to the district court action, nor was he given permission to substitute into the action as the assignee of

Friendly Bear Plaza Ltd.'s rights by the district court. As a result, "Arthur Wulf, Assignee of all rights Friendly Bear Plaza, Ltd." was not a party below and lacks standing to file this appeal. NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 446-48, 874 P.2d 729, 734-35 (1994). Accordingly, we grant respondents' motions and dismiss this appeal.¹

It is so ORDERED.

 _____, C.J.
Hardesty

 _____, J.
Douglas

 _____, J.
Pickering

cc: Hon. Douglas W. Herndon, District Judge
Howard Roitman, Settlement Judge
Neil J. Beller, Ltd.
Law Offices of Bohn & Morris
Tory M. Pankopf
Stephen Reeder
Eighth District Court Clerk

¹In light of this order, respondents' requests to strike the notice of appeal and docketing statement are denied as moot.