

IN THE SUPREME COURT OF THE STATE OF NEVADA

HENRY FLANGE,
Appellant,
vs.
LVH CORPORATION, A DOMESTIC
CORPORATION D/B/A LAS VEGAS
HILTON,
Respondent.

No. 52212

FILED

MAY 11 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

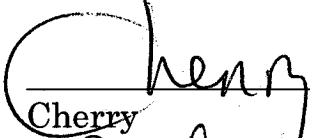
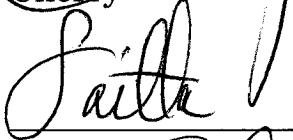

ORDER DISMISSING APPEAL

This is a proper person appeal from a proposed judgment entered by a judge pro tempore in a tort action. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Our review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect. NSTR 33 authorizes an appeal to this court of the final judgment entered in a short trial case. NSTR 3(d)(4) provides that “[a] proposed judgment from a judge pro tempore is not effective until expressly approved by the district court. . . .” Here, although the challenged order is signed by the district court judge, only the box noting that no timely objection was filed has been checked. The order fails to indicate whether the short trial judgment is affirmed or rejected, as the lines next to “affirmed and adopted,” “affirmed and adopted as modified,” and “rejected” have all been left blank. Thus, because the proposed judgment has not

been "expressly approved" as required by NSTR 3(d)(4), it is not effective and thus, not appealable under NSTR 33. Accordingly, we

ORDER this appeal DISMISSED.¹


Cherry _____ J.
Saitta

Saitta _____ J.
Gibbons

Gibbons _____ J.

cc: Hon. Michelle Leavitt, District Judge
Thomas F. Christensen, Settlement Judge
Henry Flange
Olson, Cannon, Gormley & Desruisseaux
Eighth District Court Clerk

¹Additionally, we note that appellant's failure to file his civil proper person appeal statement as directed in this court's March 16, 2009, order constitutes an independent basis for dismissal. NRAP 3(a)(1).