

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROLLAND WEDDELL, AN INDIVIDUAL; AND  
SPECTRUM FINANCIAL GROUP, LLC, A  
DELAWARE LIMITED LIABILITY COMPANY  
QUALIFIED TO DO BUSINESS IN NEVADA  
AS SPECTRUM FINANCIAL GROUP II, LLC,  
Appellants,


vs.

USA INVESTMENT PARTNERS, LLC, A  
NEVADA CORPORATION,  
Respondent.

No. 52541

**FILED**

SEP 09 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a September 4, 2008, district court judgment in a contract and tort action. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellants to, by July 31, 2009, show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the district court had not entered a final written judgment adjudicating all the rights and liabilities of all the parties, NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000), because the September 4 judgment, without mentioning whether it was resolving all 8 of the plaintiffs' listed claims and all 19 of the defendants' listed counterclaims, simply entered judgment against the appealing defendants. Further, we noted, although the September 4 judgment arguably resolved all of the claims of the parties mentioned therein,<sup>1</sup> the September 4

<sup>1</sup>Appellants' failure to fully complete docketing statement question 22 by describing (1) each party's separate claims and counterclaims, (2)

*continued on next page . . .*

judgment does not mention the claims by and counterclaims against plaintiffs USA Commercial Mortgage Company and USA Capital Diversified Trust Deed Fund, LLC, or the claims against and counterclaims by defendant William F. Schlitz. Further, we pointed out, although appellants asserted that “the plaintiff” (apparently referring to respondent USA Investment Partners, LLC) had dismissed or abandoned all of its claims, no written order dismissing any abandoned claims was attached to their docketing statement. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 342, 810 P.2d 1217, 1219 (1991) (stating that the fact that a party may not be inclined to pursue a claim does not render the claim moot or operate as a formal dismissal of the claim). Finally, our show cause order cautioned appellants that failure to demonstrate that this court has jurisdiction could result in the dismissal of this appeal.

To date, appellants have failed to respond to our show cause order. Consequently, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

Pickering, J.  
Pickering

... continued

the district court’s disposition of each claim, (3) how each claim was resolved, and (4) the date of resolution, and by attaching a copy of each disposition, as required, impeded our jurisdictional review of this matter.

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Leonard I. Gang, Settlement Judge  
Law Offices of Alan R. Smith  
Gordon & Silver, Ltd.  
Eighth District Court Clerk