

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHERYL HOFFMAN,
Appellant,
vs.
DEREK J. HOFFMAN; JOEL C.
HOFFMAN; AND FIRST AMERICAN
TITLE COMPANY OF NEVADA,
Respondents.

No. 52649

FILED

AUG 25 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

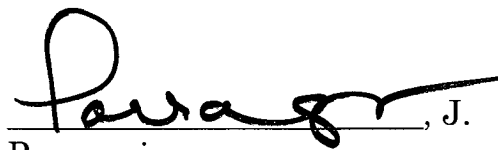
This is an appeal from several district court judgments and orders. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

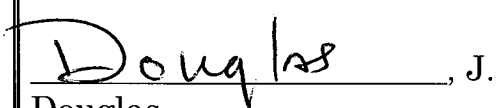
On January 8, 2009, we issued an order to show cause why this appeal should not be dismissed for lack of jurisdiction, because it appeared that the district court had not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify any of its judgments and orders as final pursuant to NRCP 54(b). Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979). Specifically, the contribution and indemnity third-party claims that appellant had asserted against respondent Joel C. Hoffman appeared to remain pending below, as ostensibly, no written judgment resolving those claims had been entered. Although she was granted a 90-day extension of time, appellant failed to file a response to the order to show cause; she did file an amended notice of appeal. The amended notice of appeal included a February 17, 2009, written order that appeared to partially, but not completely, resolve the pending third-party claims against Joel Hoffman, as it denied

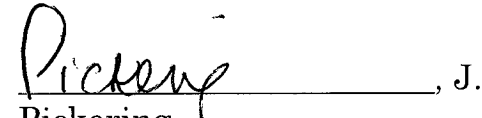
summary judgment as to “the remaining claims, as they relate to activity aside from the withdrawing of the funds from the account.” As a result, on June 22, 2009, we issued a renewed order to show cause and conditionally imposed sanctions for appellant’s failure to respond to our January 8 order to show cause.

In response, appellant filed a motion for a 60-day extension of time to respond to the renewed order to show cause, asserting that counsel was “unavailable to respond” and needed additional time to research the proceedings below. Then, appellant’s counsel filed a motion to withdraw as counsel. Appellant has not shown good cause for a further extension of time to respond to an order that was originally issued in January 2009. We therefore deny the motion for an extension of time. Under NRAP 4(a)(6), we may dismiss an appeal as premature when the notice of appeal is filed before a final written judgment resolving all the claims in the underlying case is entered. The documents provided to this court fail to demonstrate that the third-party contribution and indemnity claims have been fully resolved by written order. Accordingly, we dismiss this appeal as premature. We deny as moot the motion to withdraw as counsel.

It is so ORDERED.¹


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

¹We vacate the conditional sanctions that were imposed in the June 22 renewed order to show cause, as appellant filed a motion for an extension of time.

cc: Hon. Elissa F. Cadish, District Judge
David J. Churchill, P.C.
Bogges & Harker
Joel C. Hoffman
Edgar C. Smith
Eighth District Court Clerk