

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDALL GEORGE ANGEL,
Appellant,
vs.
ELDORADO CASINO, INC.,
Respondent.

No. 52873

FILED

JUL 30 2009

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order dismissing appellant's complaint. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

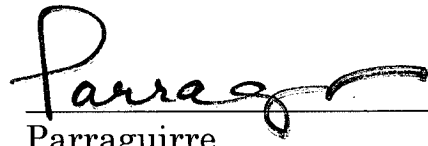
Respondent has moved to dismiss this appeal for lack of jurisdiction, asserting that no final judgment has been entered. Respondent asserts that because appellant filed an amended complaint before his original complaint was dismissed, the amended complaint superseded the original complaint and remains pending below.

Under NRCP 15(a), an amended complaint may be filed at any time before a responsive pleading is filed; pleadings are defined in NRCP 7 and do not include any document filed by respondent in the district court. Consequently, appellant was permitted to file an amended complaint without leave of the court. And the order granting respondent's motion to dismiss his original complaint does not resolve the amended complaint.


A final judgment is one that resolves all claims as to all parties and leaves nothing further for the district court's consideration, except certain postjudgment issues such as costs and attorney fees. Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). Here, appellant's

amended complaint remains pending below. Accordingly, as we lack jurisdiction, we grant respondent's motion and

ORDER this appeal DISMISSED.¹


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Hon. Steven R. Kosach, District Judge
Randall George Angel
McDonald Carano Wilson LLP/Reno
Washoe District Court Clerk

¹We deny all other pending motions as moot in light of this order.