

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEDONA CONDOMINIUM HOMEOWNERS
ASSOCIATION, INC., A NEVADA NON-
PROFIT CORPORATION,

Appellant,

vs.

CAMDEN DEVELOPMENT, INC., A
DELAWARE CORPORATION; OASIS
RESIDENTIAL, INC., A NEVADA
CORPORATION; AND CAMDEN
SUBSIDIARY II, INC., A TEXAS
CORPORATION,

Respondents.

No. 53060

FILED

OCT 05 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, in part, an amended complaint in consolidated tort and contract actions. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed potential jurisdictional defects, we ordered appellant to 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, and the district court had not properly certified its order as final pursuant to NRCP 54(b). NRAP 3A(b)(1); 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). With regard to the NRCP 54(b) certification, we noted that the October 21, 2008, order granting NRCP 54(b) certification did not contain an express determination that there is no just reason for delay and an express direction for the entry of judgment. NRCP 54(b) ("In the absence of such determination and direction, any [interlocutory] order or other form of decision, however designated, . . . shall not terminate the action as to any

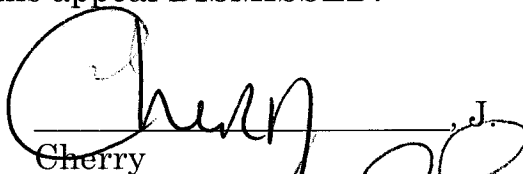
of the parties.”); Aldabe v. Evans, 83 Nev. 135, 425 P.2d 598 (1967) (dismissing an appeal from an order certified as final because the certification did not include the express language required by NRCP 54(b)).

Appellants timely filed a response to our show cause order, in which they concede that no final judgment has been entered and that the district court’s certification order does not contain NRCP 54(b)’s language. Nonetheless, they argue that the district court properly certificated the order as final because the order eliminated certain parties from the action. As unequivocally stated in NRCP 54(b), however, when certifying an order as final under that rule, the district court must make an express determination that there is no just reason for delay and an express direction for the entry of judgment. Aldabe, 83 Nev. 135, 425 P.2d 598. Here, the court summarily granted the motion for NRCP 54(b) certification without making the necessary determinations. Thus, the court may alter the order in the future, NRCP 54(b), rendering it nonappealable. Consequently, we lack jurisdiction and

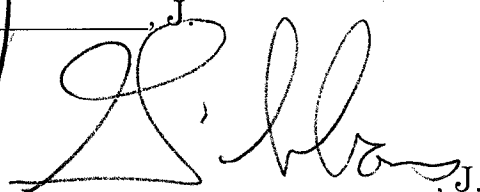
ORDER this appeal DISMISSED.



Saitta



Cherry



Gibbons

cc: Hon. Susan Johnson, District Judge
Stephen E. Haberfeld, Settlement Judge
Quon Bruce Christensen Law Firm
Holland & Hart LLP/Las Vegas
Eighth District Court Clerk