IN THE SUPREME COURT OF THE STATE OF NEVADA

KAREN GRAY,
Appellant/Cross-Respondent,
vs.
CLARK COUNTY SCHOOL DISTRICT; CLARK COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES; CAROLYN EDWARDS; LARRY P. MASON; SHIRLEY BARBER; TERRI S. JANISON; MARY BETH SCOW; RUTH L. JOHNSON; AND SHEILA R. MOULTON, IN THEIR OFFICIAL CAPACITIES AS CLARK COUNTY SCHOOL DISTRICT BOARD OF SCHOOL TRUSTEES,
Respondents/Cross-Appellants.

No. 53391

FILED

APR 09 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER DISMISSING APPEAL AND CROSS-APPEAL

This is an appeal and cross-appeal from a district court order granting in part a motion and countermotion for summary judgment in a dispute over the disclosure of records. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

On March 18, 2009, this court issued an order directing respondents/cross-appellants to show cause why their appeal should not be dismissed for lack of jurisdiction.[1] Our March 18 order noted that it did not appear that a final judgment adjudicating all the rights and liabilities of all the parties had been entered in the underlying case because neither

[1]At the time, this court had not received appellant/cross-respondent's notice of appeal, and thus respondents/cross-appellants were designated as the appellants. Upon docketing of appellant/cross-respondent's notice of appeal, the parties were redesignated pursuant to NRAP 28(h).

the January 7, 2009, order, nor the February 12, 2009, order, appeared to resolve appellant/cross-respondent's claim for "damages in an amount to be determined at the time of trial." Respondents/cross-appellants filed a response to our show cause order and appellant/cross-respondent has submitted a reply.[2]

Having considered the arguments advanced by respondent/cross-appellant in support of the finality of the district court's February 12, 2009, order, we conclude that they lack merit. The fact that the district court and the parties apparently believe that the February 12 order resolved all of the claims in the underlying case does not render that order final in the absence of an order specifically resolving appellant/cross-respondent's claim for damages. A final judgment is one that resolves all claims for relief, leaving nothing for future consideration except postjudgment issues such as attorney fees and costs. Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). The fact that appellant/cross-respondent apparently indicated, in her response to interrogatories, that she did not intend to pursue her damages claim does not suffice to resolve that claim. The district court must enter a written order that finally resolves her damages claim before an appeal from the final judgment in the underlying case can be taken to this court. Id. Once such an order has been entered, the parties to this case may then refile their appeal and cross-appeal from that order, and the January 7 and February 12

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[2]We grant appellant/cross-respondent's motion for an extension of time to file her reply. The clerk of this court shall file the reply, which was provisionally received in this court on April 2, 2009. Because appellant/cross respondent has replied to our show cause order, we conclude that a separate show cause order is not necessary with regard to her appeal.

interlocutory orders can be challenged in the context of the appeal and cross-appeal from the final judgment. Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998).[3] Accordingly, we

ORDER the appeal and cross-appeal DISMISSED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

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[3]Although appellant/cross-respondent argues, in her reply, that the challenged order is not final because she intends to seek in camera review of certain e-mails that respondents/cross-appellants concluded did not need to be disclosed, and thus, further rulings may be forthcoming from the district court, we conclude this argument lacks merit. To the extent that a written district court order memorializing any such ruling is entered prior to or contemporaneously with an order resolving the damages claim, any party aggrieved by that ruling may challenge it in the context of the appeal from the final judgment. Consolidated Generator, 114 Nev. at 1312, 971 P.2d at 1256. To the extent that any party is aggrieved by an order resolving such disputes entered after the final judgment in the underlying action, such orders may be appealed as special orders after final judgment. See Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002) (noting that to be appealable as a special order after final judgment, an order must affect the rights of a party growing out of the final judgment).

cc: Hon. Susan Johnson, District Judge
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