

IN THE SUPREME COURT OF THE STATE OF NEVADA

TAMI SCHLACK,
Appellant,

vs.

ECONOMIC OPPORTUNITY BOARD
OF CLARK COUNTY, A NEVADA
CORPORATION, AND THOSBY
JAMES CHAVIS,
Respondents.

No. 53658

FILED

SEP 03 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting declaratory relief. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that no final judgment had been rendered, as claims remained pending below, and that the order granting declaratory relief was not independently appealable under NRS 30.090. Appellant has timely responded to the show cause order.

Appellant maintains that respondents filed a motion below for partial summary judgment, seeking declaratory relief, and that the district court's ruling granting declaratory relief is final and appealable because it resolved all legal and factual questions regarding liability.

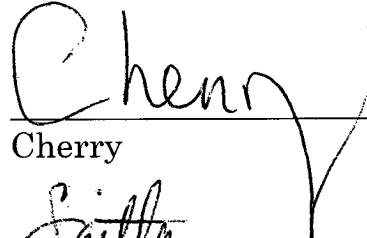
This court has held that a final judgment is one that "disposes of all the issues presented in the case, and leaves nothing for the future

consideration of the court, except for post-judgment issues such as attorney's fees and costs." Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Here, the issue of respondents' damages remains unresolved: thus, no final judgment has been entered in the underlying action, and this court lacks jurisdiction to consider this appeal under NRAP 3A(b)(1).

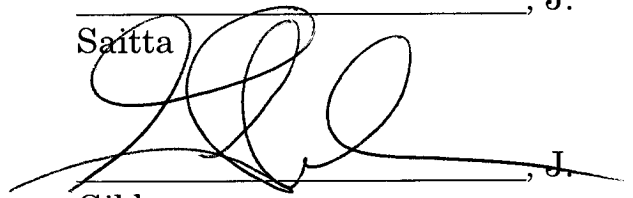
Additionally, to the extent that appellant contends that the order granting partial summary judgment to respondents is independently appealable as a declaratory judgment, that assertion lacks merit. Although NRS 30.030 provides that declaratory judgments shall have the force and effect of a final judgment or decree, any such judgment would not be independently appealable in the absence of a final judgment. See NRS 30.090 (providing that declaratory judgments "may be reviewed as other orders, judgments and decrees"). Thus, under the applicable Nevada Rules of Appellate Procedure, a declaratory judgment is appealable only when it constitutes a final judgment under NRAP 3A(b)(1) or meets one of the other rules allowing an appeal. See City of N. Las Vegas v. Dist. Ct., 122 Nev. 1197, 1203-04, 147 P.3d 1109, 1113-14 (2006) (interpreting a statute providing for appeals from orders granting or refusing to grant writs of mandamus as subject to Nevada's appellate procedure rules concerning appealability); see also Williams v. Bromley, 622 A.2d 1171, 1172 (Me. 1993) (finding "no merit" to an argument that statutory language similar to that set forth in NRS 30.030 and NRS 30.090 provides an exception to Maine's general rule that a party may only appeal from a final judgment).

Accordingly, as no final judgment has been entered in this matter and appellant has not pointed to a rule or statute that allows for this appeal, we lack jurisdiction, and we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Elissa F. Cadish, District Judge
Phillip Aurbach, Settlement Judge
Robert E. Marshall
Law Office of Gary Sinkeldam
Sterling Law, LLC
Eighth District Court Clerk