

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: KITEC FITTING LITIGATION.

No. 53660

SHARP PLUMBING, INC.,
Appellant,

vs.

IPEX USA LLC; IPEX, INC.;
STANDARD WHOLESALE SUPPLY
COMPANY; TODD PIPE & SUPPLY -
LAS VEGAS, INC.; FERGUSON
ENTERPRISES, INC.; TRACIE L.
QUINTERRO; ERIC W. QUINTERRO;
STEPHEN INFERRERA; SHEILA
INFERRERA; ANNA NAVARRO;
SUSAN SHELDON; ROBERT
DOSTLER; BEVERLY MILLER; EMMA
NORTON; DAVID OBER; JENNIFER
OBER; DAVID PURSIANO; LAUREL
BRADY; PAMELA T. SMITH; KARI
BRADY; PAUL BRADY; RODERICK
SAUP; RHONDA SAUP; LAURA
ISHUM; NANCY DRAPEAU; YOLANDA
FLORES; REBEKAH OGLE; RICK
GUZMAN; PAUL
MESSINGSCHLAGER; BARRY SWEET;
EVAN LEVY; MARY LEVY; LESLIE
GUNNELS; JOHN BERBIRIAN; DOUG
ELLINGTON; MELANIE
LITTLEFIELD; HARVEY SMITH; MIKE
HOUSE; VINCENT MARINO; LARRY
MAIER; DAN RIORDAN; AND LINDA
MCINTYRE,
Respondents.

FILED

MAY 10 2010

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

ORDER DISMISSING APPEAL

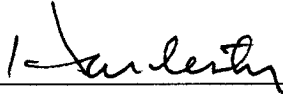
This is an appeal from a district court order, certified as final pursuant to NRCP 54(b), granting a motion for a good faith settlement

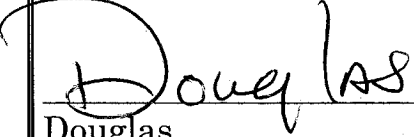
determination and dismissing class action claims against certain respondents. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

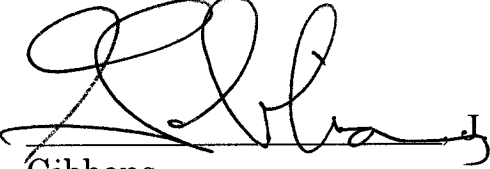
On March 19, 2010, this court issued an order to show cause why this appeal should not be dismissed for lack of jurisdiction. Based on our review of the docketing statement and the NRAP 3(e) documents, NRCP 54(b) certification appeared improper, as no party has been completely removed from the action, and NRCP 54(b) allows the district court to certify an order as final only when the order completely removes a party from the district court action. Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 797 P.2d 978 (1990).

In response to this court's show cause order, appellant acknowledges that NRCP 54(b) certification was improper and that "this appeal is [thus] jurisdictionally defective and should be dismissed." In light of appellant's response, we conclude that we lack jurisdiction over this appeal. Accordingly, we

ORDER this appeal DISMISSED.¹


_____, J.
Hardesty


_____, J.
Douglas



Gibbons

¹In light of this order, we deny the motions pending in this matter as moot.

cc: Hon. Timothy C. Williams, District Judge
Ara H. Shirinian, Settlement Judge
Jones Vargas/Las Vegas
Larson & Stephens
Luh & Associates
Parker, Nelson & Associates
Sterling Law, LLC
Weil & Drage, APC
Baker Botts, LLP
Carraway & Associates
Gordon & Silver, Ltd.
Jampol, Zimet, Skane & Wilcox
Kemp, Jones & Coulthard, LLP
Lemons, Grundy & Eisenberg
Lincoln, Gustafson & Cercos
Lynch, Hopper & Salzano, LLP
Olson, Cannon, Gormley & Desruisseaux
Perry & Spann/Las Vegas
Eighth District Court Clerk