

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUGLAS REATH, AN INDIVIDUAL,
AND PREMIER PROPERTIES OF
MESQUITE, INC., A NEVADA
CORPORATION,
Appellants,
vs.
LORI A. SERIGHT POMPEI, AN
INDIVIDUAL,
Respondent.

No. 53821

FILED

DEC 28 2009

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

ORDER DISMISSING APPEAL

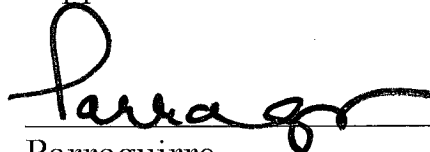
This is an appeal from district court judgments entered after a jury verdict in a contract action. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

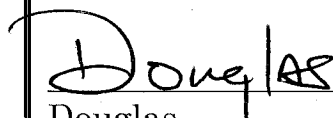
When this court's preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we entered an order directing appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. The order pointed out that it was unclear whether the district court had entered a final written judgment adjudicating all of the rights and liabilities of all of the parties. 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). The order therefore suggested that appellants could demonstrate appellate jurisdiction by submitting documentation including, but not necessarily limited to, written orders formally resolving (1) respondent's claims that were not resolved by the district court judgments challenged in this appeal and (2) appellants' counterclaims.


Appellants timely responded, stating that the district court ruled on all pending matters, but conceding that the district court has not entered written orders formally resolving the claims noted in the show

cause order. Appellants assert that the challenged judgment resolved all remaining issues and thus was the “final judgment,” but at the same time acknowledge that proposed orders resolving certain claims were never signed or entered in the district court and that there is no written order formally resolving a claim that they assert respondent abandoned at trial. Appellants therefore agree that dismissal for lack of jurisdiction is appropriate. See Lee, 116 Nev. 424, 996 P.2d 416 (recognizing that NRAP 3A(b)(1) authorizes an appeal from a district court’s final written order); KDI Sylvan Pools, 107 Nev. 340, 810 P.2d 1217 (explaining that the fact that a party might not be inclined to pursue a claim does not render the claim moot or operate as a formal dismissal of the claim); State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004) (pointing out that dispositional orders addressing the merits of a case must be written, signed, and filed in order to be effective). Accordingly, we

ORDER this appeal DISMISSED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Kenneth C. Cory, District Judge
Eva Garcia-Mendoza, Settlement Judge
Clarkson Draper & Beckstrom, LLC
Bingham & Snow, LLP
Eighth District Court Clerk