

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAULIDI BELL,
Appellant,
vs.
AMERICAN FAMILY MUTUAL
INSURANCE,
Respondent.

No. 53853

FILED

OCT 22 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 granting summary judgment in a declaratory relief action. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

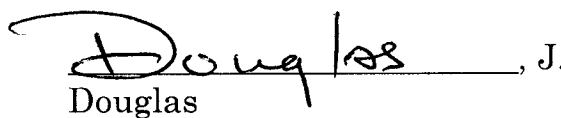
When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we noted that appellant's counterclaim ostensibly remained pending, and that, as a result, it appeared that this appeal was prematurely filed before the district court had entered a final written judgment. See NRAP 3A(b)(1); Lee v. GNLV, 116 Nev. 424, 996 P.2d 416 (2000). We also pointed out that appellant filed a notice of appeal from a May 28, 2009, district court order granting respondent's motion to strike appellant's counterclaim, see Bell v. American Family Mutual Ins., Docket No. 54090, which order appeared to constitute the final judgment.

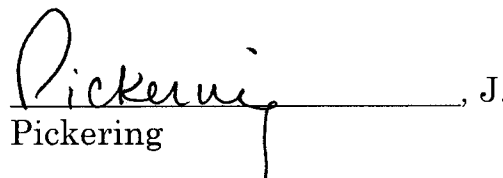
Appellant timely responded to our order to show cause. In his response, appellant asserted that this appeal was filed to protect his rights and agreed that, in light of the appeal from the May 28 order, the

dismissal of this appeal is appropriate. Accordingly, as jurisdiction has not been established, we

ORDER this appeal DISMISSED.


Parraguirre


Douglas


Pickering

cc: Hon. Michael Villani, District Judge
Christensen Law Offices, LLC
Prince & Keating, LLP
Eighth District Court Clerk