

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID W. CURTIS,

No. 34880

Appellant,

vs.

STANLEY AMES, M.D., JENNIFER AVENA, M.D., STEPHEN AVENA, D.D.S., JOHN BARTON, MARGARET BARTON, MICHAEL CADILE, JOSEPH CAPERONIS, MARION CAPERONIS, MARISA CHANG, HUI WEN KAO, HSUI-YEH CHAN, CHUN HUA CHIU, KEN COHEN, LENORE COHEN, ELIZABETH LYN DONLEY, DAVID ERNST, HOWARD GREENSPON, RICKI GREENSPON, CHRISTIAN HANSEN, HERBERT HANSEN, JIUNN-NAN HO, ROY HOLLISTER, PAMELA HOLLISTER, TOM JONES, CONITA OPP JONES, DONALD KLEITZIEN, JR., ROSALIE ASHNESS KLEITZIEN, DANIEL KOCH, JR., DANIEL KOCH, SR., KENNETH LAND, PATRICK LEE, KARLENE LEE, GERARD LOMBARDO, JOHN LOMBARDO, FRANCES LOMBARDO, VINCENT LOMBARDO, CARL MANTHEI, AL MCCOURT, MARIA MCCOURT, MICHAEL MILLER, BARBARA MILLER, KEVIN MORLEY, VICTOR HILL, STEPHEN PERRY, ILA PERRY, HELEN ROSS, MARY KATHRYN RUBIO, R & D INVESTMENTS, LTD., A NEVADA CORPORATION, GLEN SHAEFER, JUDY SHAEFER, DANIEL SHARP, VIRGIL SLADE, MELL SLADE, MICHAEL STANCZYK, SHARON STANCZYK, TRUMAN STROMBERG, KAREN WILKES, JOHN YACKS, SHARLENE YACKS, CINDY YOCUM, WING T INVESTMENTS, A CALIFORNIA GENERAL PARTNERSHIP, EACH INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF ELKHORN "40", A NEVADA GENERAL PARTNERSHIP,

Respondents.

FILED

JAN 03 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Rubio*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order entered by the district court following a bench trial. Our preliminary review of the documents transmitted to this court pursuant to NRAP 3(e) and the docketing statement submitted by appellant David Curtis revealed a potential jurisdictional

defect. Specifically, it appeared that the order appealed from was not the final judgment, as there appeared to be several outstanding claims.

The seventh amended complaint asserted forty-five claims against several defendants. However, the order appealed from failed to dispose of the following claims: claims 28-29 against United Title, claims 31-32 against Nevada Title, claims 33-34 against Nevada Construction Services, claims 35-36 against National Title, claims 38-40 and 45 against First Security Bank, f/k/a Continental National Bank, and claim 44 against all defendants. In addition, it appeared that several cross-claims and counterclaims were asserted, but none of these claims were disposed of in the order appealed from, nor was there any indication in the documents before this court that they were disposed of prior to entry of the order appealed from.

Accordingly, on October 19, 2000, this court issued an order to show cause, directing appellant to file a response within thirty (30) days demonstrating that this court has jurisdiction. Appellant has not submitted a response to this court's order.


A final judgment is one that adjudicates the rights and liabilities of all parties and disposes of all issues presented in the case. See Lee v. GNLV, 116 Nev. ___, 996 P.2d 416 (2000). Here, several claims appear to remain pending in the district court, and appellant has failed to demonstrate that these claims have been formally resolved by the district court. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991). The right to appeal is statutory; if no statute or court rule provides for an appeal, no right to appeal exists. See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91

Nev. 24, 530 P.2d 756 (1975). Here, the order appealed from is neither a final judgment nor independently appealable. See NRAP 3A(b). Accordingly, as we lack jurisdiction, we

ORDER this appeal dismissed.¹

 J.

 J.

 J.

cc: Hon. Michael L. Douglas, District Judge
Brenske & Christensen
David W. Curtis
Clark County Clerk

¹Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant. We deny the relief requested therein as moot in light of this order. In addition, respondents' motion to dismiss this appeal, filed on January 14, 1999, is denied as moot.