

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS A. GOLDENBERG, M.D.,
Appellant,
vs.
GEORGIA WOODARD AND
HERSCHEL WOODARD,
Respondents.

No. 54032

FILED

AUG 21 2009

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

ORDER DISMISSING APPEAL


This is an appeal from an interlocutory district court order denying an NRCP 50(b) motion for judgment as a matter of law. Ninth Judicial District Court, Douglas County; David R. Gamble, Judge.

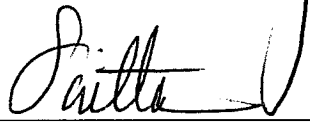
On July 8, 2009, respondents filed a motion to dismiss this appeal, arguing that the appeal is premature because a final judgment has not been entered in the district court. Appellant filed a response, in which he agreed that a final judgment has not been entered, but stated that the rules pertaining to an appeal after an order resolving an NRCP 50(b) motion is entered were unclear and that he filed the notice of appeal to protect his rights in case a later appeal would be untimely.


We grant the motion to dismiss the appeal, as the appeal is premature. NRAP 4(a)(6). Both parties agree that a final judgment has not been entered in this case, and an order denying an NRCP 50(b) motion for judgment as a matter of law is not independently appealable. NRAP 3A(b). We reject appellant's contention that his motion could be construed as a motion for a new trial. Appellant's motion did not seek a new trial, and even if it did, it is not clear that the court's interlocutory order

denying it would be appealable. See generally Reno Hilton Resort Corp. v. Verderber, 121 Nev. 1, 106 P.3d 134 (2005). Accordingly, as the appeal is premature, we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. David R. Gamble, District Judge
David Wasick, Settlement Judge
Schuering Zimmerman Scully Tweedy & Doyle LLP
Durney & Brennan/Reno
Douglas County Clerk