

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACKIE BRANDT, INDIVIDUALLY;  
JACKIE BRANDT AS SPECIAL  
ADMINISTRATOR FOR THE ESTATE  
OF DAVID BRANDT; AND BARRY  
BRANDT,  
Appellants,

vs.

JUSTIN CODY GARRISON; JEREMY  
PETTES; JOSE MIRAMONTES; AND  
JEANNIE MIRAMONTES,  
Respondents.

No. 54087

**FILED**

**FEB 05 2010**

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 a motion to enforce a settlement agreement in a tort action. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

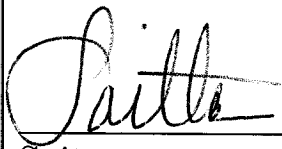
In response to our December 4, 2009, order to show cause questioning this court's jurisdiction on two grounds, we received appellants' January 15, 2010, response claiming that, with respect to the first ground, respondent Jeremy Pettes was "a nominal party" erroneously included in the appeal's caption and that no causes of action were alleged against him in appellants' complaint.<sup>1</sup> Additionally, regarding the second ground, appellants contend that the district court's summary order is a final judgment, as it granted the motion to enforce a settlement agreement, which sought dismissal with prejudice of appellants' complaint


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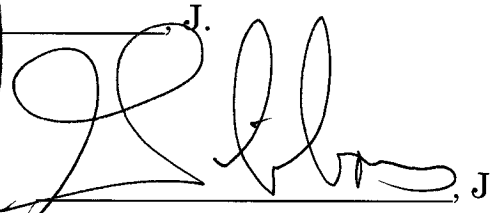
<sup>1</sup>We grant the January 6, 2010, motion for an extension of time. The clerk of this court shall file appellants' response to our order to show cause, which was provisionally received in this court on January 15, 2010.

against all respondents. The district court's order, however, merely states that the motion to enforce is granted; it does not dismiss the action. Consequently, we conclude that the district court's order was not a final judgment from which an appeal could be taken. NRAP 3A(b)(1); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994) (holding that an order approving a settlement that failed to dismiss all of the claims was not a final, appealable judgment). Accordingly, we

ORDER this appeal DISMISSED.<sup>2</sup>

  
Saitta, J.

  
Cherry, J.

  
Gibbons, J.

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Paul H. Schofield, Settlement Judge  
Christensen Law Offices, LLC  
Prince & Keating, LLP  
Eighth District Court Clerk

<sup>2</sup>This order does not preclude appellants from filing an appeal from the final judgment in this case.