

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK ROMANO AND MARIA
ROMANO,
Appellants,

vs.

EDWARD COLEMAN, ESQ., AND
COLEMAN LAW ASSOCIATES, A
NEVADA PROFESSIONAL
CORPORATION,
Respondents.

No. 54237

FILED

JUN 10 2010

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order dismissing appellants' complaint, purportedly certified as final under NRCP 54(b). Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

When our preliminary review of the documents before this court revealed a potential jurisdictional defect, we directed appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellants have not responded to our May 4, 2010, order.

The documentation before this court indicates that the challenged order is not the final judgment, as respondents' counterclaims appear to remain pending below, and the order is not amenable to certification under NRCP 54(b) because it did not completely remove a party from the underlying litigation.¹ NRCP 54(b); Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 797 P.2d 978 (1990). Moreover, even if the order was amenable to certification, it failed to include an express

¹Notably, since the 2004 amendment to NRCP 54, effective January 1, 2005, orders that remove claims are no longer amenable to certification.

determination that there was no just cause for delay. See Aldabe v. Evans, 83 Nev. 135, 425 P.2d 598 (1967). Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.²

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Susan Johnson, District Judge
William F. Buchanan, Settlement Judge
Law Offices of Richard McKnight, P.C.
Olson, Cannon, Gormley & Desruisseaux
Eighth District Court Clerk

²Appellants' April 19, 2010, motion for judicial notice is denied as moot in light of this order.