

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY B. CHARLES,
Appellant,
vs.
QUALITY GRADING & PAVING, INC.,
A NEVADA CORPORATION; LANCE
MCDADE; AND KELLY MCDADE,
Respondents.

No. 55089

FILED

MAR 22 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Anger*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order granting summary judgment, denying a motion for NRCP 60(b) relief, and granting a motion for attorney fees and costs in a real property, contract, and tort action. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.


A review of the appellant's proper person opening brief and the record on appeal has revealed that the district court has not yet resolved all of appellant's pending claims in the consolidated action below. Although appellant's former counsel previously argued that an appeal was proper because the district court statistically closed the case, appellant points out in his opening brief that no decision on his claims has been made on the merits and he argues that the district court improperly closed his case sua sponte without providing appellant notice.

The order statistically closing the case below does not formally resolve appellant's complaint against respondent Quality Grading & Paving, Inc. Accordingly, those claims remain pending as no final judgment has been entered. Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (describing a final judgment as one that resolves all of the claims and rights below, except for certain post-judgment issues);

Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 609, 797 P.2d 978, 980 (1990) (recognizing that consolidated district court actions are treated as one case for purposes of determining whether a final, appealable judgment has been entered). As there exists no final judgment, we lack jurisdiction over this appeal, NRAP 3A(b)(1), and we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. James M. Bixler, District Judge
Janet Trost, Settlement Judge
Jeffrey B. Charles
Shawn L. Morris, Ltd.
Eighth District Court Clerk