IN THE SUPREME COURT OF THE STATE OF NEVADA

LYNN R. HINKLEY-MARTINEZ,
Appellant,
vs.
JAMES R. MARTINEZ, SR.,
Respondent.

No. 55905

FILED

SEP 29 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

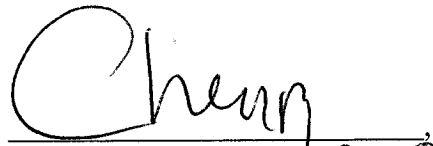
This is an appeal from a district court order determining the validity of the parties' prenuptial agreement. Eighth Judicial District Court, Family Court Division, Clark County; William G. Henderson, Judge.

When our preliminary review of the docketing statement and the NRAP 3(g) documents revealed a potential jurisdictional defect, we directed appellant to show cause as to why this court has jurisdiction to consider this appeal. Specifically, it appeared that the district court had not entered a final, written judgment adjudicating all the rights and liabilities of all the parties. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). Appellant timely filed her response to our show cause order, and respondent filed a reply.

Having considered the parties' arguments, we conclude that this court lacks jurisdiction to consider this appeal. Appellant's argument that the only issues remaining are post-judgment issues lacks merit, as the district court has not entered a final judgment in the underlying matter. See NRAP 3A(b)(1); NRS 125.130(1). Also, to the extent that the district court intended to certify the challenged order as a final order

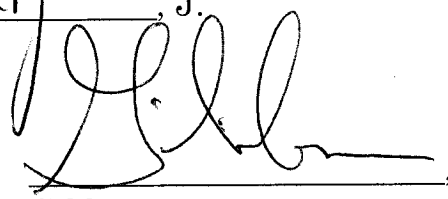
under NRCP 54(b), the challenged order is not amenable to NRCP 54(b) certification. NRCP 54(b).[1] Accordingly, we

ORDER this appeal DISMISSED.



Cherry, J.

Saitta, J.



Gibbons, J.

cc: Hon. William G. Henderson, District Judge, Family Court Division
Robert E. Gaston, Settlement Judge
Patti, Sgro & Lewis
Fox Rothschild, LLP
Eighth District Court Clerk

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[1]Notably, since the 2004 amendment to NRCP 54, effective January 1, 2005, orders that remove claims are no longer amenable to certification. We note that even if the challenged order was amenable to certification, the certification was not proper. See Aldabe v. Evans, 83 Nev. 135, 425 P.2d 598 (1967).