

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID MAX RAMSEY AND GINGER
VERLANE RAMSEY,

Appellants,

vs.

JOHN BOHACH, INDIVIDUALLY AND IN
HIS OFFICIAL CAPACITY; CHERYL D.
BOND, INDIVIDUALLY AND IN HER
OFFICIAL CAPACITY; DAVE BERNARDY,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY; EGAN KIRK WALKER,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY; CITY OF RENO POLICE
DEPARTMENT, AN AGENCY OF THE CITY
OF RENO; WASHOE COUNTY, A
MUNICIPAL CORPORATION EXISTING
UNDER THE LAWS OF THE STATE OF
NEVADA; AND THE CITY OF RENO, A
MUNICIPAL CORPORATION EXISTING
UNDER THE LAWS OF THE STATE OF
NEVADA IN THE COUNTY OF WASHOE,

Respondents.

DAVID MAX RAMSEY AND GINGER
VERLANE RAMSEY,

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UNDER THE LAWS OF THE STATE OF
NEVADA IN THE COUNTY OF WASHOE,

Respondents.

No. 33935

FILED

FEB 11 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

No. 35102

00-02159
00-02160.

ORDER DISMISSING APPEALS

These are appeals from several orders of the district court dismissing certain defendants and claims in a multiple-party and multiple-claim tort action. Docket No. 33935 is an appeal from an order granting summary judgment for respondent Washoe County, an order dismissing federal civil rights claims against respondents City of Reno and David Bernardy, a "final judgment" entered pursuant to NRCP 54(b), an order dismissing federal and certain related state claims against respondent Cheryl Bond, and an order dismissing federal and certain related state claims against respondent Egan Walker. Docket No. 35102 is an appeal from the foregoing orders, and a stipulation and order dismissing remaining federal claims against respondents Walker and John Bohach. Our preliminary review of the documents before this court in Docket No. 33935 revealed two potential jurisdictional defects. Specifically, it was unclear whether: (1) the district court entered an order certifying all of the interlocutory orders as final under NRCP 54(b), and (2) if so, whether the certification was proper. Accordingly, on August 16, 1999, we ordered appellants to demonstrate why Docket No. 33935 should not be dismissed for lack of jurisdiction.¹

In their response to our first question, appellants inform us that, since our prior order, the district court has entered additional written orders disposing of the federal claims against all defendants and has certified all orders

¹The notice of appeal in Docket No. 35102 was not filed until October 27, 1999.

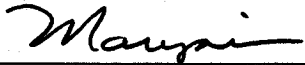
appealed from as final pursuant to NRCP 54(b). Appellants filed a second notice of appeal in light of the later district court orders, and that appeal is Docket No. 35102. Accordingly, appellants have adequately demonstrated that the district court has certified the orders appealed from as final.

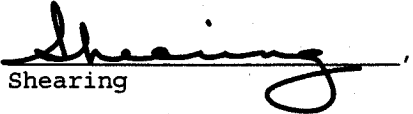
With respect to our second question, appellants assert that their federal claims, grounded in 42 U.S.C. §§ 1983, 1985, and 1988, are sufficiently separate from their state tort claims (e.g., intentional infliction of emotional distress) such that our review of the federal issues at this stage would be appropriate. We disagree.

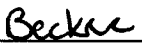
Although appellants' federal and state claims for relief are legally distinct, and require proof of separate elements, the factual underpinnings and many of the issues related to the measure of damages to be awarded are the same. See *Hallicrafters Co. v. Moore*, 102 Nev. 526, 728 P.2d 441 (1986). Specifically, appellants' federal and related state claims all arise from an incident that occurred in July 1996, involving the same set of operative facts. It thus appears that our consideration of these appeals will result in piecemeal litigation. See id. at 528-29, 728 P.2d at 442-43. Accordingly, we conclude that the district court abused its discretion in certifying the orders appealed from as final, and we dismiss these appeals without prejudice to the rights

of the parties to pursue an appeal following a final judgment in the district court.

It is so ORDERED.²


_____, J.
Maupin


_____, J.
Shearing


_____, J.
Becker

cc: Hon. Steven P. Elliott, District Judge
Lansford W. Levitt, Settlement Judge
Washoe County District Attorney
Reno City Attorney
Bradley Drendel & Jeanney
Law Offices of Scott N. Freeman, P.C.
Egan K. Walker
Washoe County Clerk

²In light of this order, we deny appellants' motion to consolidate the appeals in Docket Nos. 33935 and 35102. We additionally vacate our prior notice of settlement conference entered in Docket No. 35102. Appellants' motion for exemption from the settlement program, in Docket No. 35102, is denied as moot.