

IN THE SUPREME COURT OF THE STATE OF NEVADA

IVAN GOLDSMITH, M.D. AND JAMES  
S. TATE, JR., M.D.,  
Appellants,

vs.

THE STATE OF NEVADA AND THE  
STATE OF NEVADA BOARD OF  
MEDICAL EXAMINERS,  
Respondents.

No. 56604

**FILED**

**FEB 10 2011**

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

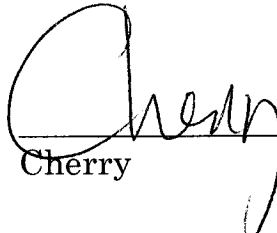
ORDER DISMISSING APPEAL


This is an appeal from a district court order denying summary judgment in a declaratory relief action. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

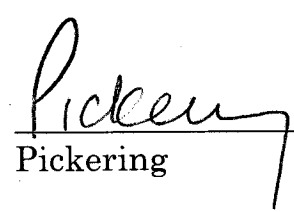
Although the district court denied appellants summary judgment on their claims, the court failed to award judgment to respondents or to dismiss the case, and an order denying summary judgment is not a final, appealable judgment. Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (citing Smith v. Hamilton, 70 Nev. 212, 265 P.2d 214 (1953) (decided under identical provision of former NRCP 72(b))); NRAP 3A(b)(1); see also Lee v. GNLV

Corp., 116 Nev. 424, 996 P.2d 416 (2000). (describing a final, appealable judgment). Accordingly, we lack jurisdiction and

ORDER this appeal DISMISSED.<sup>1</sup>

  
Cherry, J.

  
Gibbons, J.

  
Pickering, J.

cc: Hon. Stefany Miley, District Judge  
M. Nelson Segel, Settlement Judge  
Law Office of Jacob L. Hafter & Associates  
Attorney General/Las Vegas  
Bradley O. Van Ry  
Eighth District Court Clerk

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<sup>1</sup>Although this court lacks jurisdiction to proceed with this appeal, this dismissal does not impact appellants' right to appeal from the district court's final written judgment, once it has been entered.