

IN THE SUPREME COURT OF THE STATE OF NEVADA

LVRC HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Appellant,
vs.
CHRISTOPHER BREKKA, AN
INDIVIDUAL; EMPLOYEE
BUSINESS SOLUTIONS, INC., A
NEVADA CORPORATION; AND
EMPLOYEE BUSINESS
SOLUTIONS, INC., A FLORIDA
CORPORATION,
Respondents.

No. 56716

FILED

NOV 12 2010

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

ORDER DISMISSING APPEAL

This is an appeal from district court orders and oral rulings in a business tort action. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Respondents move to dismiss this appeal for lack of jurisdiction,¹ asserting that it was untimely filed more than 30 days after

¹Respondents' first motion to dismiss this appeal was denied without prejudice; accordingly, the current motion is not procedurally improper.

the jury's verdicts were entered and more than 30 days after notice of entry of an order awarding attorney fees was served. NRAP 4(a)(1); but see NRAP 26(c) (adding three days to the appeal period if the notice of entry is served by mail). We conclude that we lack jurisdiction, albeit for reasons different than those set forth by respondents.

As appellant points out in its opposition to the motion to dismiss² and in its docketing statement, the district court has yet to enter a final judgment in this matter. Although the district court orally resolved an aiding and abetting claim and the jury apparently rendered verdicts on the remaining causes of action, neither the court's oral ruling nor the verdicts have been reduced to written judgment, and thus, appellant's causes of action for breach of fiduciary duty/duty of loyalty, tortious interference of good faith and fair dealing, and aiding and abetting breach of fiduciary duty/duty of loyalty, and respondents' causes of action for abuse of process and malicious prosecution, remain pending. See NRCP 58(a); State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004) (noting that, to be effective, a district court's oral ruling must be written, signed, and filed); Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987) ("Jurisdictional rules go to the very power of this court to act."); see also Algood v. State, 78 Nev. 326, 328, 372 P.2d 466, 467 (1962) (discussing jurisdiction over a criminal matter and noting that "[a] verdict of the jury is not a judgment

²Respondents' motion for leave to file a reply to the opposition is denied. As of July 1, 2009, NRAP 27(a)(4) permits a party to file a reply within five days after the response's service.

of the court, nor is it a final determination"). Accordingly, this appeal is premature, and we

ORDER this appeal DISMISSED.³

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Stephen E. Haberfeld, Settlement Judge
Santoro, Driggs, Walch, Kearney, Holley & Thompson
Norman H. Kirshman
Eighth District Court Clerk

³Appellant's alternative request that we treat this appeal as a petition for mandamus relief and order the district court to enter a final order is denied. See NRAP 21(a) (setting forth requirements for a writ petition's contents and service, including that the petition must be filed with the clerk of the supreme court with proof of service on the respondent judge); NRS 34.170 (requiring an affidavit of the party beneficially interested). Further, appellant has not demonstrated that it has first sought relief in the district court.