

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRY L. LEVY, AS TRUSTEE OF THE  
BARRY L. LEVY LIVING TRUST,  
Appellant,  
vs.  
PROVIDENT FUNDING; AND  
PROVIDENT FUNDING ASSOCIATES,  
LP,  
Respondents.

No. 56995

**FILED**

**MAY 23 2011**

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

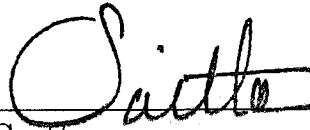
ORDER DISMISSING APPEAL


This is an appeal from a district court order dismissing appellant's claims against respondents. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Respondents have moved to dismiss this appeal for lack of jurisdiction, asserting that their counterclaim for a deficiency judgment remains pending below. Appellant has opposed the motion, and respondents filed a reply. Having reviewed the parties' submissions, the docketing statement, and the documents transmitted to this court pursuant to NRAP 3(g), we conclude that we lack jurisdiction over this appeal. A final judgment is one that resolves all claims as to all parties. Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979). Here, respondents' counterclaim remains pending; additionally, nothing in the documentation before this court reveals a disposition of appellant's claims against Aegis Wholesale and Desert Funding. Absent a formal, disposition of these claims, they remain pending and the judgment is not final. KDI Sylvan

Pools, 107 Nev. 340, 810 P.2d 1217. Accordingly, as we lack jurisdiction,  
we grant respondents' motion and

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Michelle Leavitt, District Judge  
Robert F. Saint-Aubin, Settlement Judge  
Lombino Law Studio  
Moriarty Badaruddin & Booke  
Cooper Castle Law Firm, LLC  
Eighth District Court Clerk