

IN THE SUPREME COURT OF THE STATE OF NEVADA

GCM AIR GROUP, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Appellant,

vs.

CHEVRON U.S.A., INC. A PENNSYLVANIA
CORPORATION; WASHOE COUNTY
DISTRICT HEALTH DEPARTMENT,
ENVIRONMENTAL HEALTH SERVICES
DIVISION, A POLITICAL SUBDIVISION OF
THE STATE OF NEVADA; CHEVRON
ENVIRONMENTAL MANAGEMENT
COMPANY, A CALIFORNIA CORPORATION;
GETTLER-RYAN, INC., A CALIFORNIA
CORPORATION; STANTEC CONSULTING
CORPORATION, AN ARIZONA
CORPORATION; AND CHASE
INTERNATIONAL EQUITIES
CORPORATION, A NEVADA
CORPORATION,
Respondents.

No. 57141

FILED

AUG 10 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Anderson
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying NRCP 60(b) relief from a summary judgment as to certain defendants. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

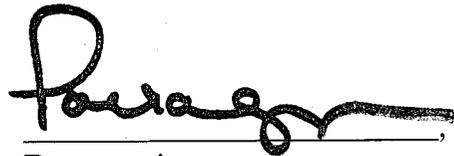
Respondents have filed a motion to dismiss this appeal for lack of jurisdiction; appellants have opposed the motion, and respondents replied. Having considered the documents before us, we agree that jurisdiction is improper and grant the motion to dismiss. Specifically, no final judgment has been entered because claims remain pending as to two defendants, Washoe County Health District and Chase International Equities Corporation, and the partial summary judgment was not certified as final pursuant to NRCP 54(b). 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). Therefore, a motion under NRCP 60(b) was not available. Barry v. Lindner, 119 Nev. 661, 81 P.3d 537 (2003). While a post-judgment order denying NRCP 60(b) relief is appealable as a special order after final judgment, NRAP 3A(b)(8); Holiday Inn v. Barnett, 103 Nev. 60, 732 P.2d 1376 (1987), an interlocutory order of this kind is not independently appealable. Cf. Reno Hilton Resort Corp. v. Verderber, 121 Nev. 1, 106 P.3d 134 (2005) (holding that an interlocutory order denying a new trial motion is not appealable). Accordingly, we

ORDER this appeal DISMISSED.¹


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. Robert H. Perry, District Judge
Robert L. Eisenberg, Settlement Judge
William N. Miller
Santoro, Driggs, Walch, Kearney, Holley & Thompson
Santoro, Driggs, Walch, Kearney, Holley & Thompson/Reno
Alling & Jillson, Ltd.
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Holland & Hart LLP/Reno
Richard Normington, Esq.
Robert E. Sheldon, Esq.
Thorndal Armstrong Delk Balkenbush & Eisinger/Reno
Washoe County District Attorney/Civil Division
Washoe District Court Clerk

¹Respondents' motion to stay briefing is denied as moot in light of this order.