

IN THE SUPREME COURT OF THE STATE OF NEVADA

PEAKE DEVELOPMENT, INC., A  
NEVADA CORPORATION; AND  
SIERRA ASSOCIATED INVESTMENTS,  
LLC, A NEVADA LIMITED LIABILITY  
COMPANY,  
Appellants,

vs.

R.B. PROPERTIES, INC., A NEVADA  
CORPORATION; SOUTHPOINTE  
PROPERTIES, INC., A NEVADA  
CORPORATION; AND MARINER'S  
VIEW, LLC, A NEVADA LIMITED  
LIABILITY COMPANY,  
Respondents.

No. 57562

**FILED**

JUL 18 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Anderson*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court summary judgment, certified as final under NRCP 54(b). Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

When our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) revealed a potential jurisdictional defect, we directed the parties to show cause why the appeal should not be dismissed. Specifically, we pointed out that the challenged order did not appear amenable to NRCP 54(b) certification as to respondent Mariner's View, LLC, because claims between appellants and Mariner's View remain pending, and thus, Mariner's View was not removed as a party. Moreover, the order to show cause explained that, to the extent that the challenged order resolved claims common to Mariner's

View and the other respondents, it appeared that the claims asserted in the action are so closely related that, in considering the appeal, this court must necessarily decide important issues pending below. Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 797 P.2d 978 (1990); Hallicrafters Co. v. Moore, 102 Nev. 526, 728 P.2d 441 (1986).

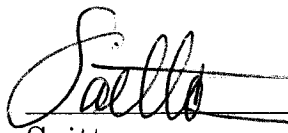
Appellants responded, admitting that jurisdiction in this court is lacking. Respondents R.B. Properties, Inc., and Southpointe Properties, Inc., filed a reply, arguing that the claims remaining between appellants and respondent Mariner's View do not impact the issues on appeal, and that delaying review of this matter as to R.B. Properties and Southpointe Properties would prejudice them by barring their development of the property at issue.

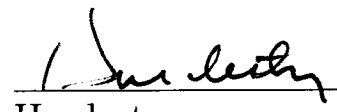
Having reviewed the response, reply, and other documents before this court, we conclude that the order granting summary judgment as to the status of the claimed easement is not amenable to NRCP 54(b) certification. The easement claim was asserted as to all respondents, including Mariner's View. The same facts and law must be reviewed in determining the easement's validity with respect to all respondents, and it thus amounts to a single claim against several parties, including one party (Mariner's View) who remains in the district court action. Mallin, 106 Nev. 606, 797 P.2d 978; Hallicrafters, 102 Nev. 526, 728 P.2d 441. Mariner's View, therefore, cannot remain as a respondent because claims by and against it remain pending in the district court. NRCP 54(b) (permitting certification only of orders that completely remove a party, not certain claims pertaining to that party). Reviewing the matter at this stage of the proceedings would result in piecemeal litigation, defeating the purpose of NRCP 54(b), because this court cannot resolve the easement

issue as to R.B. Properties and Southpointe Properties without affecting Mariner's View. Accordingly, as the challenged order is not amenable to certification, we

ORDER this appeal DISMISSED.

 \_\_\_\_\_, C.J.  
Douglas

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

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

cc: Hon. Timothy C. Williams, District Judge  
Carbajal & McNutt, LLP  
Black & LoBello  
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas  
Eighth District Court Clerk