

IN THE SUPREME COURT OF THE STATE OF NEVADA

FATBURGER RESTAURANTS OF NEVADA, INC., A NEVADA CORPORATION AND FATBURGER CORPORATION, A NEVADA CORPORATION,
Appellants,
vs.
WEINGARTEN NOSTAT, INC.,
Respondent.

No. 58134

FILED

FEB 19 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Lindeman*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion to set aside a default judgment. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

As appellant Fatburger Corporation, in response to this court's order to show cause, concedes that claims remain pending below, such that no final judgment has been entered, we conclude that we lack jurisdiction, NRAP 3A(b)(1), and we

ORDER this appeal DISMISSED.¹

J. Hardesty, J.
Hardesty

J. Parraguirre, J.
Parraguirre

J. Cherry, J.
Cherry

¹In light of this order, all pending motions are denied as moot. Nothing in this order precludes appellants, if aggrieved, from filing a new notice of appeal from any final judgment in the matter below.

cc: Hon. Jerome T. Tao, District Judge
Jerry J. Kaufman, Settlement Judge
Weide & Miller, Ltd.
Kravitz, Schnitzer, Sloane & Johnson, Chtd.
Eighth District Court Clerk