

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH SCALA, AN INDIVIDUAL,
Appellant,
vs.
CENTENNIAL CENTRE, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,
Respondent.

No. 58821

FILED

DEC 12 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angersol*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order enforcing a settlement agreement. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

On October 5, 2011, we entered an order to show cause why this court had jurisdiction over this appeal. In particular, we noted that although the appealed order enforces a settlement agreement, the order did not specify whether all the claims were resolved by the settlement, nor did it formally dismiss the case, and thus, it did not appear that a final judgment had been entered. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994) (explaining that an order approving a settlement agreement was not appealable because it did not formally resolve the parties' claims). Appellant has timely filed a response as directed.

Having reviewed appellant's response and the relevant documents, we conclude that the order appealed from in this docket is not a final judgment. The order does not formally dismiss the case, even though the settlement agreement it enforces stated that dismissal would occur. See Ginsburg, 110 Nev. 440, 874 P.2d 729. Additionally, we note that following our October 5 order to show cause, appellant filed a new

notice of appeal from the district court's final judgment in the underlying case, which has been docketed in this court as Docket No. 59295. The order appealed from in Docket No. 59295 is the final judgment properly appealed from and appellant may raise any issues related to the order appellant sought to challenge in this appeal in the context of the appeal in Docket No. 59295. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (stating that when an appeal is taken from a final judgment, challenges to interlocutory orders entered prior to the final judgment may properly be heard by this court). Accordingly, we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Susan Johnson, District Judge
Nathaniel J. Reed, Settlement Judge
Glen J. Lerner & Associates
Goold Patterson Ales & Day
Eighth District Court Clerk