

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESLEY SKWORZEC,
Appellant,
vs.
GKT II, A NEVADA LIMITED
LIABILITY COMPANY; AND ALAN J.
ARNOLD, TRUSTEE OF THE ALAN J.
ARNOLD 1995 LIVING TRUST,
Respondents.

No. 58936

FILED

JAN 17 2012

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

ORDER DISMISSING APPEAL


This is an appeal from a district court summary judgment. Eighth Judicial District Court, Clark County; Nancy L. Alf, Judge.


When our preliminary review of the docketing statement and the NRAP 3(g) documents revealed a potential jurisdictional defect, this court entered an order directing appellant to show cause why this appeal should not be dismissed. Specifically, it appeared that the district court did not enter a final, written judgment adjudicating all parties' rights and liabilities, and the district court did not certify its summary judgment as final pursuant to NRCP 54(b). NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

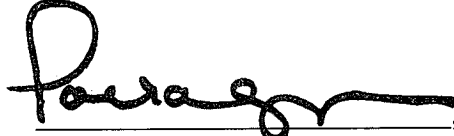
Appellant responded to the show cause order, asserting that the summary judgment is a final, appealable order. As appellant acknowledges, however, his claim for tort damages against defendants Political Marketing Associates, A and B Enterprises Unlimited, Inc., and Sherif S. Monin has not been formally resolved by the district court in a written order. Although defaults were entered against those defendants, no default judgment or other dispositional order has been entered. While appellant asserts that the lack of a judgment against the remaining

defendants does not defeat jurisdiction over the summary judgment challenged on appeal because a “final, appealable order can exist while ministerial or similar functions, including proving up defaults against non-appearing defendants, remains to be done by the district court,” we disagree. Since appellant’s claim against defendants Political Marketing Associates, A and B Enterprises Unlimited, and Monin remains pending, the summary judgment is not the final judgment, and this appeal is premature. NRAP 3(A)(b)(1); Lee, 116 Nev. 424, 996 P.2d 416. Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Nancy L. Allf, District Judge
Janet Trost, Settlement Judge
Seegmiller & Associates
Murchison & Cumming, LLC/Las Vegas
Sylvester & Polednak, Ltd.
Eighth District Court Clerk