

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL S. D'ERRICO,  
INDIVIDUALLY AND AS TRUSTEE OF  
THE MICHAEL S. D'ERRICO 2000  
REVOCABLE TRUST,  
Appellants,  
vs.  
AMTI SUNBELT LLP,  
Respondent.

No. 59027

FILED

MAR 08 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

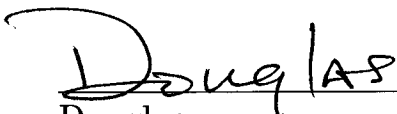
This is an appeal from a district court summary judgment, purportedly certified as final under NRCP 54(b), in a breach of contract action. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.


On December 28, 2011, this court ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, we noted that although the district court certified its summary judgment order removing respondent from the action as final under NRCP 54(b), it subsequently allowed appellants to file an amended complaint to include new causes of action against respondent, and thus, it did not appear that the NRCP 54(b) certification remained valid. Appellants filed a response, respondent filed a reply and a request for attorney fees, and appellants filed an opposition to respondent's request for attorney fees.


Having reviewed the parties' filings and the relevant documents, we conclude that the district court's NRCP 54(b) certification is invalid. As a result, we lack jurisdiction over this appeal, as there is no final judgment. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). If appropriate, appellants may raise any issues related to

the summary judgment appellants sought to challenge in this appeal in any appeal from the final judgment. 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.<sup>1</sup>

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

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Susan Johnson, District Judge  
Paul H. Schofield, Settlement Judge  
Gordon & Silver, Ltd.  
Lindborg & Mazor LLP  
Royal Jones Miles Dunkley & Wilson  
Eighth District Court Clerk

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<sup>1</sup>We deny respondent's request for attorney fees.