

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH KOTLYN, INDIVIDUALLY
AND AS SPECIAL ADMINISTRATOR
OF THE ESTATE OF AMADA KOTLYN;
AND MICHELLE BURNETT,
INDIVIDUALLY,
Appellants,

vs.

LEO SPACCAVENTO, M.D.,
INDIVIDUALLY; ADVANCED HEART
CARE ASSOCIATES/PLON
SPACCACVENTO & SHEHATA, M.D.,
LTD., A NEVADA CORPORATION;
AND CARDIOVASCULAR SURGERY
OF SOUTHERN NEVADA,
Respondents.

No. 59095

FILED

MAR 13 2012

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

JOSEPH KOTLYN, INDIVIDUALLY
AND AS SPECIAL ADMINISTRATOR
OF THE ESTATE OF AMADA KOTLYN;
AND MICHELLE BURNETT,
INDIVIDUALLY,
Appellants,

vs.

CATHOLIC HEALTHCARE WEST, A
CALIFORNIA NON-PROFIT
CORPORATION D/B/A ST. ROSE
DOMINICAN HOSPITAL-SIENA,
Respondents.

No. 59227

ORDER DISMISSING APPEALS


These are appeals from district court orders dismissing certain defendants from the medical malpractice action below. Eighth Judicial District Court, Clark County; Susan Scann, Judge.


Respondents have filed motions to dismiss these appeals for lack of jurisdiction, as claims against two other defendants and against

respondent Leo Spaccavento, M.D., remain pending below.¹ While appellants acknowledge that the claims remain pending below, they nonetheless assert that the appealed dismissal orders are final, appealable judgments because they leave no avenue for district court relief, and they ask that, alternatively, they be allowed 30 days to seek an NRCP 54(b) certification of finality below.

As claims remain pending below, no final judgment exists and we lack jurisdiction to consider these appeals. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). Further, as 30 days has passed since appellants sought leave to obtain the district court's NRCP 54(b) certification and no such certification has been filed in this court, we grant the motions to dismiss. This order does not preclude appellants from seeking NRCP 54(b) certification below, if appropriate. Accordingly, we

ORDER these appeals DISMISSED.


_____, C.J.
Saitta


_____, J.
Douglas


_____, J.
Gibbons

¹In light of this order, we deny the motions to consolidate these appeals and for an extension of time to file the opening brief. As these cases are not consolidated, we treat the Docket No. 59095 joinder to respondents' motion in Docket No. 59227 as an independent motion.

cc: Hon. Susan Scann, District Judge
Robert F. Saint-Aubin, Settlement Judge
E. Brent Bryson, Ltd.
John H. Cotton & Associates, Ltd.
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Mandelbaum, Ellerton & McBride
Eighth District Court Clerk