

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 *H. Ingelson*  
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

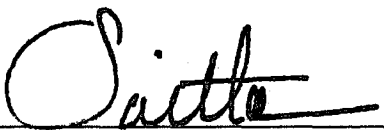
These are appeals from district court orders dismissing certain defendants from the medical malpractice action below. Eighth Judicial District Court, Clark County; Susan Scann, Judge.


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

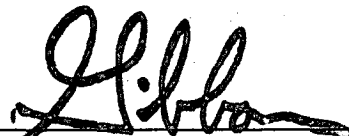
respondent Leo Spaccavento, M.D., remain pending below.<sup>1</sup> While appellants acknowledge that the claims remain pending below, they nonetheless assert that the appealed dismissal orders are final, appealable judgments because they leave no avenue for district court relief, and they ask that, 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

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<sup>1</sup>In 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