

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD JERNEE; PILAR JERNEE;
TONNIE SAVAGE, IN HER CAPACITY
AS SPECIAL ADMINISTRATRIX OF
THE ESTATE OF ADAM JERNEE;
MARY FAY, IN HER INDIVIDUAL
CAPACITY AND IN HER CAPACITY AS
GUARDIAN AD LITEM FOR EWAN
MICHAEL SANDS, A MINOR; JASON
SANDS; SIERRA SANDS; TONNIE
SAVAGE, IN HER CAPACITY AS
SPECIAL ADMINISTRATRIX OF THE
ESTATE OF FLOYD SANDS; AND
TONNIE SAVAGE, IN HER CAPACITY
AS SPECIAL ADMINISTRATRIX OF
THE ESTATE OF STEPHANIE SANDS,
Appellants,
vs.
KENNAMETAL, INC.,
Respondent.

No. 59651

FILED

AUG 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Maline*
DEPUTY CLERK


ORDER DISMISSING APPEAL

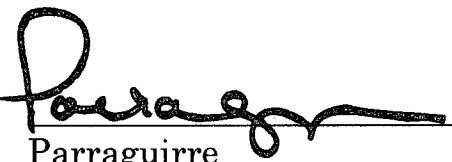
As appellants point out in their docketing statement, this appeal from the order granting respondent's motion to exclude expert testimony and for summary judgment was premature, as the district court had not yet ruled on appellants' NRCP 59(e) motion at the time the notice of appeal was filed. NRAP 4(a)(4). Although the district court subsequently denied the motion and appellants' motion for sanctions, a separate appeal was taken from that order, in Docket No. 60653. Accordingly, we dismiss this appeal, and any issues with regard to the order excluding expert testimony and granting summary judgment may be

raised in the appeal in Docket No. 60653. Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998).

It is so ORDERED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Calvin R.X. Dunlap and Associates
Babst, Calland, Clements and Zomnir, P.C.
Jenkins & Carter
Washoe District Court Clerk

¹In light of this order, we deny all pending requests for relief in this appeal.