

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES D'AMBROSIO,  
Appellant,  
vs.  
WYNN LAS VEGAS, LLC,  
Respondent.

No. 60215

**FILED**

JAN 02 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Ingrao  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court summary judgment. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Respondent has moved to dismiss this appeal, asserting that a final, appealable judgment has not been entered because appellant's claims are against two defendants who were served with process, Joshua Aguirre and Samuel Zook, remain pending. Appellant opposes the motion but does not demonstrate that his claims against Aguirre and Zook have been resolved by NRCP 41(a) dismissal, default judgment, or otherwise. Thus, while it appears that respondents' indemnity and contribution claims against Aguirre and Zook may be moot, see KDI Sylvan Pools v. Workman, 107 Nev. 340, 342-43, 810 P.2d 1217, 1219 (1991), appellant's claims remain pending, rendering the summary judgment interlocutory and not appealable. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). As we lack jurisdiction, we grant respondent's motion and

ORDER this appeal DISMISSED.

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

Parraguirre, J.  
Parraguirre

cc: Hon. David B. Barker, District Judge  
E. Paul Richitt, Jr., Settlement Judge  
Day & Nance  
Marquis Aurbach Coffing  
Eighth District Court Clerk