

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER GARDNER, AN  
INDIVIDUAL,  
Appellant,  
vs.  
ALFRED LETCHER, AN INDIVIDUAL,  
Respondent.

No. 60698

FILED

SEP 04 2012

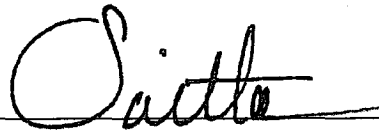
TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
DEPUTY CLERK


ORDER DISMISSING APPEAL

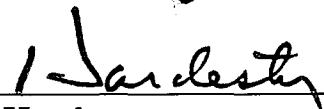
This is an appeal from a district court partial summary judgment. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Respondent moved to dismiss this appeal for lack of jurisdiction, arguing that the appealed order was not the final judgment, since it did not resolve his counterclaims. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). Because it appeared that the district court entered an order resolving those counterclaims on June 8, 2012, we ordered appellant to show cause why this appeal should not be dismissed and deferred ruling on the motion. Appellant responded, acknowledging that the appeal was premature when filed and submitting a copy of the final, June 8, 2012, district court order resolving the counterclaims. Appellant pointed out that he has separately appealed from the June 8 order, in Letcher v. Gardner, Docket No. 61240, and he asks that we consolidate that appeal with this one.

As this appeal is premature and appellant properly appealed from the final order in Docket No. 61240, however, we conclude that this appeal should be dismissed. Accordingly, we grant the motion and  
ORDER this appeal DISMISSED.

  
Saitta, J.

  
Pickering, J.

  
Hardesty, J.

cc: Hon. Susan Johnson, District Judge  
Israel Kunin, Settlement Judge  
Varricchio Law Firm  
Cotton, Driggs, Walch, Holley, Woloson & Thompson/Las Vegas  
Eighth District Court Clerk