

IN THE SUPREME COURT OF THE STATE OF NEVADA

FIRST FINANCIAL BANK, N.A.,
Appellant,
vs.
GORDON R. LANE AND CAROL LANE,
INDIVIDUALLY AND AS TRUSTEES
OF THE LANE FAMILY TRUST; JOHN
C. SERPA, INDIVIDUALLY AND
TRUSTEE OF THE JOHN C. SERPA
TRUST,
Respondents.

No. 60927

FILED

DEC 14 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *D. Malone*
DEPUTY CLERK


ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion for judgment on the pleadings in a deficiency judgment action. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

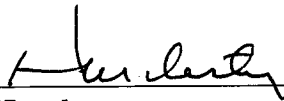
In its timely response to this court's order to show cause why this appeal should not be dismissed for lack of jurisdiction, which questioned whether a final judgment formally resolving the claims below had been entered, appellant asserted that it filed the appeal as a precautionary measure, because its claims were rendered moot when the district court, in determining its motion for judgment on the pleadings, concluded that its claims were legally precluded by NRS 40.451 and/or NRS 40.459(1)(c) and the stipulated fact that the foreclosed property's fair market value exceeded the amount of consideration paid to obtain the loan documents. The order denying the motion for judgment on the pleadings did not, however, dismiss or otherwise formally resolve the claims asserted below. See Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994) (noting that a mere ruling, without an order formally dismissing the claims, does not finally resolve the claims for appellate

purposes); KDI Sylvan Pools v. Workman, 107 Nev. 340, 342-43, 810 P.2d 1217, 1219 (1991) (discussing need for formal resolution of claims). Accordingly, we lack jurisdiction, NRAP 3A(b)(1), and we

ORDER this appeal DISMISSED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Jerome Polaha, District Judge
David Wasick, Settlement Judge
Lionel Sawyer & Collins/Reno
Heaton Ltd.
Lemons, Grundy & Eisenberg
Washoe District Court Clerk