

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGUE MULLEN AND TANAI
MULLEN BY AND THROUGH THEIR
GUARDIAN AD LITEM LOURDES
CASTRO; AND STAR MCTHOMAS,
Appellants,
vs.
GERALD SRABERG; AND ILENE
SRABERG,
Respondents.

No. 62602

FILED

OCT 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

In response to this court's April 17, 2014, order to show cause why this appeal should not be dismissed for lack of jurisdiction, all parties agree that appellant Star McThomas's claims against Renee Nash and Quintin Nash have not been formally resolved and, thus, that those claims remain pending such that no final judgment has been entered. NRAP 3A(b)(1); *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *KDI Sylvan Pools, Inc. v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991). While appellants assert that this appeal should nonetheless be allowed to proceed because the NRCP 41(e) five-year rule mandates dismissal of those claims, that rule requires action by the district court. As it appears that no such action resolving the claims against the Nashes has been undertaken, we lack jurisdiction and

ORDER this appeal DISMISSED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Saitta, J.
Saitta

cc: Hon. Elissa F. Cadish, District Judge
Lansford W. Levitt, Settlement Judge
Law Office of David Sampson
Springel & Fink
Eighth District Court Clerk