

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID W. CURTIS AND STEWART TITLE  
OF NEVADA,

No. 35820

Appellants,

vs.

STANLEY AMES, M.D., JENNIFER  
AVENA, M.D., STEPHEN AVENA,  
D.D.S., JOHN BARTON, MARGARET  
BARTON, MICHAEL CADILE, JOSEPH  
CAPERONIS, MARION CAPERONIS,  
MARISA CHANG, HUI WEN KAO, HSUI-  
YEH CHAN, CHUN HUA CHIU, KEN  
COHEN, LENORE COHEN, ELIZABETH LYN  
DONLEY, DAVID ERNST, HOWARD  
GREENSPON, RICKI GREENSPON,  
CHRISTIAN HANSEN, HERBERT HANSEN,  
JIUNN-NAN HO, ROY HOLLISTER,  
PAMELA HOLLISTER, TOM JONES,  
CONITA OPP JONES, DONALD  
KLEITZIEN, JR., ROSALIE ASHNESS  
KLEITZIEN, DANIEL KOCH, JR.,  
DANIEL KOCH, SR., KENNETH LAND,  
PATRICK LEE, KARLENE LEE, GERARD  
LOMBARDO, JOHN LOMBARDO, FRANCES  
LOMBARDO, VINCENT LOMBARDO, CARL  
MANTHEI, AL MCCOURT, MARIA  
MCCOURT, MICHAEL MILLER, BARBARA  
MILLER, KEVIN MORLEY, VICTOR HILL,  
STEPHEN PERRY, ILA PERRY, HELEN  
ROSS, MARY KATHRYN RUBIO, R & D  
INVESTMENTS, LTD., A NEVADA  
CORPORATION, GLEN SHAEFER, JUDY  
SHAEFER, DANIEL SHARP, VIRGIL  
SLADE, MELL SLADE, MICHAEL  
STANCZYK, SHARON STANCZYK, TRUMAN  
STROMBERG, KAREN WILKES, JOHN  
YACKS, SHARLENE YACKS, CINDY  
YOCUM, WING T INVESTMENTS, A  
CALIFORNIA GENERAL PARTNERSHIP,  
EACH INDIVIDUALLY AND DERIVATIVELY  
ON BEHALF OF ELKHORN "40", A  
NEVADA GENERAL PARTNERSHIP,

Respondents.

**FILED**

JAN 03 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from findings of fact and conclusions of law entered by the district court following a bench trial. Our preliminary review of the documents transmitted to this court pursuant to NRAP 3(e) and the

docketing statements submitted by appellants revealed a potential jurisdictional defect. Specifically, it appeared that the order appealed from was not the final judgment, as there appeared to be several outstanding claims.


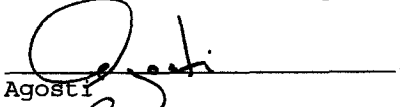
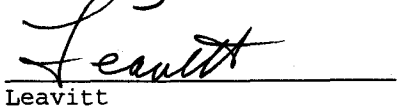
The seventh amended complaint asserted forty-five claims against several defendants. However, the order appealed from failed to dispose of the following claims: claims 28-29 against United Title, claims 31-32 against Nevada Title, claims 33-34 against Nevada Construction Services, claims 35-36 against National Title, claims 38-40 and 45 against First Security Bank f/k/a Continental National Bank, and claim 44 against all defendants. In addition, it appeared that several cross-claims and counterclaims were asserted, but none of these claims was disposed of in the order appealed from, nor was there any indication in the documents before this court that they were disposed of prior to entry of the order appealed from.

Accordingly, on October 19, 2000, this court issued an order to show cause, directing appellants to file a response within thirty (30) days demonstrating that this court has jurisdiction. Neither appellant has responded to this court's order.

A final judgment is one that adjudicates the rights and liabilities of all parties and disposes of all issues presented in the case. See Lee v. GNLV, 116 Nev. \_\_\_, 996 P.2d 416 (2000). Here, several claims appear to remain pending in the district court, and appellants have failed to demonstrate that these claims have been formally resolved by the district court. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991). The right to appeal is statutory; if no statute or court rule provides for an appeal, no right

to appeal exists. See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975). Here, the order appealed from is neither a final judgment nor independently appealable. See NRAP 3A(b). Accordingly, as we lack jurisdiction, we

ORDER this appeal dismissed.<sup>1</sup>

  
Shearing J.  
  
Agosti J.  
  
Leavitt J.

cc: Hon. Michael L. Douglas, District Judge  
Campbell & Stone  
Brenske & Christensen  
David W. Curtis  
Clark County Clerk

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<sup>1</sup>Although appellant Curtis was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant. Any relief requested therein is denied as moot in light of this order.