

IN THE SUPREME COURT OF THE STATE OF NEVADA

E & M ENTERPRISES, INC., A
NEVADA CORPORATION,
Appellant,
vs.
NORVIC DEMOLITION, INC., A
NEVADA CORPORATION,
Respondent.

No. 64414

FILED

AUG 27 2014

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

ORDER DISMISSING APPEAL

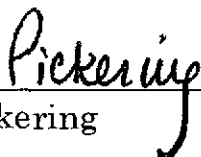
This is an appeal from an October 2, 2013, district court judgment. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

When our preliminary review of the docketing statement and the documents before this court revealed potential jurisdictional defects, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we explained that, among other things, appellant's November 8, 2013, notice of appeal appeared to have been prematurely filed before the entry of a final, written judgment resolving all of the claims against all of the parties. *See* NRAP 3A(b)(1); *Lee v. GNLV Corp.*, 116 Nev. 424, 427, 996 P.2d 416, 418 (2000). In particular, the claims against two defendants, Platte River Insurance Company and Earnest Patton, appeared to remain pending. Although appellant asserted that both defendants were voluntarily dismissed, we noted that appellant did not attach to his docketing statement any file-stamped orders resolving the claims against those defendants, and the district court docket entries did not reflect the entries of any such orders. While the docket entries and appellant's docketing statement did show a


notice of entry pertaining to a purported order dismissing Platte River, the order attached to the notice of entry bore no district court file stamp.

Both appellant and respondent responded to our order to show cause, asserting that the claims against Patton were orally dismissed by stipulation on October 2, 2013. But as no written stipulation or order has been filed, the oral stipulation remains ineffective for final judgment purposes. NRCP 41(a); *Div. Child & Family Servs. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004). Appellant also asserts that Platte River was dismissed by district court order, but the order attached to its response, like that attached to its docketing statement, bears no district court stamp. As a result, that order is ineffective. See NRCP 58; *Div. Child & Family Servs.*, 120 Nev. at 451, 92 P.3d at 1243. Thus, it appears that the district court has not yet entered a final judgment resolving all of the claims against all of the parties below. As a result, this court lacks jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Valorie J. Vega, District Judge
William C. Turner, Settlement Judge
Royal & Miles, LLP
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Eighth District Court Clerk