

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM PERCIVAL, AN
INDIVIDUAL; PHILIP PERCIVAL, AN
INDIVIDUAL; AMERICAN GYPSUM,
LLC, A CALIFORNIA LIMITED
LIABILITY CORPORATION; PPP, LLC,
A CALIFORNIA LIMITED LIABILITY
CORPORATION; DESERT GYPSUM
RESOURCES, LLC, A NEVADA
LIMITED LIABILITY CORPORATION;
THE OFFICE OF THE PRESIDING
ALMONER OF THE HOUSE OF
PERCIVAL AND HIS SUCCESSORS, A
NEVADA CORPORATION SOLE; THE
OFFICE OF THE PRESIDING REGENT
OF PROSPERITY FELLOWSHIP AND
HIS SUCCESSORS, A NEVADA
CORPORATION SOLE; AND THE
OFFICE OF THE PRESIDING
REGENTS OF THE CHRISTIAN
AGRICULTURAL APOSTOLIC
COLLEGE AND HIS SUCCESSORS, A
NEVADA CORPORATION SOLE,
Appellants,

vs.

RENATO BALANGUE, AN
INDIVIDUAL; ELIZABETH
BALANGUE, AN INDIVIDUAL; MK143
TRUST, AN IRREVOCABLE TRUST;
AND ZALATHIEL AGUILA, TRUSTEE
FOR MK143 TRUST,
Respondents.

No. 64540

FILED

AUG 01 2014

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

ORDER DISMISSING APPEAL

This is an appeal from a district court default judgment as to certain defendants. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Respondents have moved to dismiss this appeal for lack of jurisdiction, asserting that it was prematurely filed before the district court resolved all claims pertaining to all the parties in the case below and that the district court has yet to enter a written order resolving appellants' motion for relief from the default judgment and for reconsideration. Appellants oppose the motion, mostly arguing the merits of their appeal but also asserting that (1) the default judgment, which is not certified as final under NRCP 54(b), and which does not resolve claims against defendant/appellant Philip Percival, is final and appealable; and (2) the lack of a written order denying their post-judgment motion for relief from the judgment and for reconsideration is irrelevant. Respondents have filed a reply, again pointing out that no final judgment has been entered.

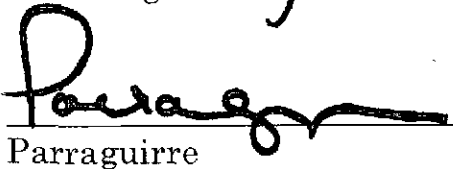
Having considered the parties' arguments, we grant the motion to dismiss. All claims against defendant/appellant Philip Percival undisputedly remain pending in the district court and the default judgment as to the remaining defendants/appellants was not certified as final under NRCP 54(b). The default judgment is therefore not a final, appealable judgment. See NRAP 3A(b)(1); *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000). Unless an appeal is allowed by statute or court rule, interlocutory orders are not independently appealable but may be challenged only in the context of an appeal from the final judgment.¹

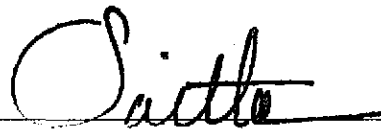
¹The order denying appellants' previously filed motion to set aside the entries of defaults against them is likewise interlocutory, and thus, unreviewable in the absence of final judgment. Appellants appear to have filed a post-judgment motion seeking relief from the default judgment and reconsideration of their motion to dismiss, but they failed to include a copy of that motion with their docketing statement and they acknowledge that the district court has not entered a written order resolving that motion.

Consol. Generator-Nev., Inc. v. Cummins Engine Co., 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998). Accordingly, as no final judgment has been entered below, we lack jurisdiction and we

ORDER this appeal DISMISSED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Douglas W. Herndon, District Judge
Thomas J. Tanksley, Settlement Judge
Homeowner Relief Lawyers LLC
Law Offices of Marilee A. Ryan, LLC
Eighth District Court Clerk