

IN THE SUPREME COURT OF THE STATE OF NEVADA

MITCHELL PLETCHER, AN
INDIVIDUAL,
Appellant,
vs.
BOULEVARD THEATER, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; FX LUXURY LAS VEGAS I,
LLC, A NEVADA LIMITED LIABILITY
COMPANY; URBAN RETAIL
PROPERTIES, LLC, A DELAWARE
LIMITED LIABILITY COMPANY;
RICHARD WEISMAN, AN
INDIVIDUAL; SHIRIN WEISMAN, AN
INDIVIDUAL; PAUL M. SULLIVAN, AN
INDIVIDUAL; RAY SANKOVICH, AN
INDIVIDUAL; ERIC SMITHERS, AN
INDIVIDUAL; AND TOMMY
RICCARDO, AN INDIVIDUAL,
Respondents.

No. 65241

FILED

MAR 24 2014

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


ORDER DISMISSING APPEAL

This is an appeal from a district court order denying reconsideration of an order dismissing certain defendants and denying leave to amend the complaint in a contract action.

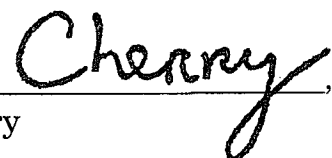
Having considered the documents transmitted to this court pursuant to NRAP 3(g), we conclude that we lack jurisdiction to consider this appeal because the challenged order is not a final, appealable judgment or otherwise substantively appealable. See NRAP 3A(b) (designating judgments and orders from which an appeal may be taken); *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (clarifying that “a final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney’s fees and costs”); *Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153

(1984) (explaining that this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule). In particular, appellant's claims against respondent Boulevard Theater, LLC appear to remain pending below, along with a counterclaim brought by Boulevard Theater. Although appellant apparently filed a notice of voluntary dismissal of his claims against Boulevard Theater, he did not do so until after Boulevard Theater had filed an answer and counterclaim. As a result, the notice was not effective to dismiss appellant's claims against Boulevard Theater. See NRCP 41(a)(1)(i) (providing that a plaintiff may voluntarily dismiss a defendant "by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment"). Moreover, the documents before us indicate that the answer filed by Boulevard Theater also included a counterclaim, and it does not appear that the district court has entered an order dismissing or otherwise resolving this counterclaim. Accordingly, as no final judgment has been entered in the underlying case, we conclude that we lack jurisdiction over this appeal, and we therefore order the appeal dismissed.¹

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

¹In light of this order, we deny as moot appellant's March 20, 2014, motion to stay the district court proceedings.

cc: Hon. Rob Bare, District Judge
Mitchell Pletcher
The Williamson Law Office, PLLC
Eric Smithers
McDonald Carano Wilson LLP/Reno
Ray Sankovich
Caruso Law Offices
Gordon Silver/Las Vegas
Gordon Silver/Reno
Eighth District Court Clerk