

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALESSI & KOENIG, LLC, A NEVADA  
LIMITED LIABILITY COMPANY,

Appellant,

vs.

SUSAN M. JEPSEN, AN INDIVIDUAL;  
AND HOME LOAN CENTER, INC.

D/B/A LENDING TREE LOANS, A  
FOREIGN CORPORATION,

Respondents.

No. 66546

**FILED**

**FEB 13 2015**

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


*ORDER DISMISSING APPEAL*


This is an appeal from a district court order dismissing appellant from an interpleader action and denying attorney fees. When our preliminary review of the documents submitted to this court revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we noted, in an interpleader action, the final, appealable judgment is generally held to be one that grants the interpleader request, discharges the plaintiff from further liability, and adjudicates the claimants' competing interests in the funds placed with the court. *See, e.g., Abex Corp. v. Ski's Enters, Inc.*, 748 F.2d 513, 515 (9th Cir. 1984); *Custom One-Hour Photo v. Citizens & S. Bank*, 345 S.E.2d 147, 148 (Ga. Ct. App. 1986); *Scruggs, Millette, P.A. v. Merkel & Cocke*, 763 So. 2d 869, 872 (Miss. 2000); *K & S Interests v. Texas Am. Bank/Dallas*, 749 S.W.2d 887, 889 (Tex. Ct. App. 1988); *see generally* 44B Am. Jur. 2d *Interpleader* § 81.

Here, the defendants' claims to the funds were not resolved by the appealed order accepting the interpleader, dismissing appellant from the action, and denying attorney fees. Although appellant, in its response

to our show cause order, argues that this court should construe that appealed order as containing a certification of finality under NRCP 54(b), the order neither made an express determination of no just reason for delay nor directed the entry of final judgment, both of which are required under NRCP 54(b). *Cf. Hilton Hotels Corp. v. Butch Lewis Prods., Inc.*, 109 Nev. 1043, 1045 n.1, 862 P.2d 1207, 1208 n.1 (1993) (construing an order as certifying finality when the district court complied with NRCP 54(b)'s requirements, even though the court did not mention the rule itself). Consequently, the district court has not entered a final, appealable judgment, and we lack jurisdiction. NRAP 3A(b)(1). We thus

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Janet J. Berry, District Judge  
Alessi & Koenig, LLC  
Susan M. Jepsen  
Washoe District Court Clerk