

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 67388

ROBERT ENGLER,

Appellant,

vs.

JOHN B. FISHER, IN HIS CAPACITY
AS THE PRINCIPAL BROKER OF AND,
D/B/A RE/MAX REALTY AFFILIATES,

Respondents.

FILED

SEP 09 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order dismissing an action pursuant to NRCP 16.1(e)(2). First Judicial District Court, Carson City; James E. Wilson, Judge.

In an untimely response to this court's order to show cause why this appeal should not be dismissed for lack of jurisdiction, appellant agrees that the claim against Daniel McCraw has not been resolved in the district court. Because this claim remains pending in the district court, the order challenged on appeal is not a final appealable judgment, see NRAP 3A(b)(1); *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000), and appellant fails to demonstrate that this court otherwise has jurisdiction over this appeal. Accordingly, it appears we lack jurisdiction, and we

ORDER this appeal DISMISSED.

Saitta, J.

Saitta

Gibbons, J.

Gibbons

Pickering, J.

Pickering

15-27206

cc: Hon. James E. Wilson, District Judge
David Wasick, Settlement Judge
Julie Bachman
Alling & Jillson, Ltd.
Carson City Clerk