

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES W. VAHEY, INDIVIDUALLY;
AND OTHER HAND, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Appellants,

vs.

MARA ENTERPRISES, A CALIFORNIA
CORPORATION,

Respondent.

No. 69340

FILED

JAN 26 2016

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

ORDER GRANTING MOTION AND DISMISSING APPEAL

This is an appeal from a district court's findings of fact, conclusions of law, and judgment in a real property action. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Respondent has filed a motion to dismiss this appeal for lack of jurisdiction, asserting that the notice of appeal is premature because claims asserted in a third-party complaint remain pending below. Appellants oppose the motion and respondent has filed a reply. In their opposition, appellants concede that this is an appeal from an interlocutory order, but they contend that the order is appealable pursuant to NRAP 3A(b)(3), (5), (9), and (10).

NRAP 3A(b)(5) allows for an appeal from an order dissolving or refusing to dissolve an attachment. This rule does not apply to the instant appeal as the order appealed from expunges a lis pendens, not an attachment. Likewise, neither NRAP 3A(b)(9) or (10) apply to this appeal as the order appealed from neither directs an accounting nor directs a partition, sale, or division of property.

NRAP 3A(b)(3) allows for an appeal from an order dissolving an injunction. The order appealed from does dissolve a preliminary

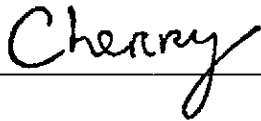
injunction. However, that fact alone does not give this court jurisdiction over all of the other issues addressed in the order appealed from, and addressing this singular issue would conflict with this court's policy to avoid piecemeal appellate review. See *Bally's Grand Hotel & Casino v. Reeves*, 112 Nev. 1487, 1488, 929 P.2d 936, 937 (1996).

Because claims remain pending below and no NRCP 54(b) certification was obtained, this appeal is premature. *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rae v. All American Life & Cas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979). Accordingly, we conclude that we lack jurisdiction over this appeal, and we grant respondent's motion to dismiss and dismiss this appeal. This dismissal is without prejudice to appellants' right to file an appeal from a district court order properly certified as final under NRCP 54(b), or from a true final judgment.

It is so ORDERED



_____, J.
Douglas



_____, J.
Cherry



_____, J.
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge
Thomas J. Tanksley, Settlement Judge
Black & LoBello
Kolesar & Leatham, Chtd.
Eighth District Court Clerk