

IN THE SUPREME COURT OF THE STATE OF NEVADA

WELLS FARGO BANK, N.A.,
Appellant,

vs.

SHARON HULIHAN, INDIVIDUALLY,
AND AS EXECUTRIX OF THE ESTATE
OF GEORGIA K. HULIHAN; AND
SOPHIA ALEXANDER, AS TRUSTEE
OF THE GEORGIA K. HULIHAN
REVOCABLE TRUST DATED 2005,
Respondents.

No. 68596

FILED

FEB 01 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order entered in an action relating to real property. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

When our initial review of the docketing statement and 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, it appeared that the order challenged on appeal was not appealable as a final judgment under NRAP 3A(b)(1) because respondents' claim for wrongful foreclosure remained pending in the district court. *See Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000). In an untimely response to our order, appellant asserts that the district court orally resolved the claim on December 3, 2014. However, as respondents correctly note, the district court's oral order is ineffective. *See State, Div. of Child & Family Serv.s v. Dist. Court*, 120 Nev. 445, 451-52; 92 P.3d 1239, 1243-44 (2004). To the extent appellant argues that the wrongful foreclosure claim was resolved because appellant abandoned it, this argument lacks merit. *See KDI Sylvan Pools v.*

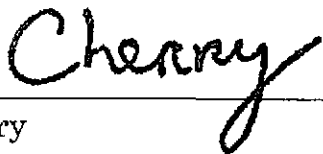
Workman, 107 Nev. 340, 342, 810 P.2d 1217, 1219 (1991) (the fact that a party does not intend to pursue a claim does not operate as a formal dismissal of that claim).

Accordingly, as it appears that the claim for wrongful foreclosure remains pending in the district court, we conclude that we lack jurisdiction over this appeal, and

ORDER this appeal DISMISSED.



_____, J.
Douglas



_____, J.
Cherry



_____, J.
Gibbons

cc: Hon. Douglas W. Herndon, District Judge
Akerman LLP/Las Vegas
Lee A. Drizin, Chtd.
Eighth District Court Clerk
Janet Trost, Settlement Judge