

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAHIN MALEK,

Appellant,

vs.

BANK OF AMERICA, N.A.; THE
FOOTHILLS AT MACDONALD RANCH
MASTER ASSOCIATION, A NEVADA
COMMUNITY ASSOCIATION; AND
NEVADA ASSOCIATION SERVICES,
INC., A NEVADA CORPORATION,
Respondents.

No. 70503

FILED

SEP 30 2016

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

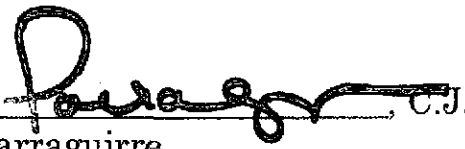
ORDER DISMISSING APPEAL

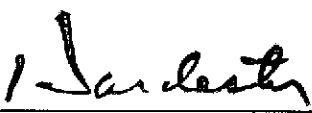
This is an appeal from an order denying a motion to set aside a stipulation of dismissal. On August 11, 2016, this court entered an order to show cause directing appellant to demonstrate this court's jurisdiction because it appears from the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) that additional claims remain pending between the parties. Specifically, appellant's claims for quiet title and declaratory relief against respondent Bank of America; the bank's counterclaims against appellant; and the bank's cross-claims against The Foothills at MacDonald Ranch homeowners' association and Nevada Association Services, Inc. appear to remain pending below.

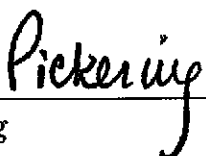
Appellant's response to our order addresses the finality of the stipulation to dismiss and argues that the order denying the motion to set aside the stipulation is a special order after final judgment. The response does not address the continuing viability of the claims and counterclaims identified in our order to show cause. Respondents' "Answering Brief" to the order to show cause argues that the terms of the stipulation render this appeal moot. Having considered the responses of the parties, we

conclude that it appears that claims remain pending against other parties, and the district court has not entered a final judgment or certified its order as final pursuant to NRCP 54(b). *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). Respondents' arguments regarding the stipulation go to the merits of the appeal and are not an appropriate basis for dismissal. *Taylor v. Barringer*, 75 Nev. 409, 344 P.2d 676 (1959). Finally, we decline to consider this appeal as a writ petition, as there is an adequate remedy at law in an appeal from a final judgment. NRS 34.020(2); NRS 34.170. Accordingly, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.


Parraguirre, C.J.


Hardesty, J.


Pickering, J.

cc: Hon. Adriana Escobar, District Judge
Craig Hoppe, Settlement Judge
Smith & Shapiro, LLC
Akerman LLP/Las Vegas
Christopher V. Yergensen
Leach Johnson Song & Gruchow
Eighth District Court Clerk