

IN THE SUPREME COURT OF THE STATE OF NEVADA

BELLAGIO, LLC, A NEVADA LIMITED
LIABILITY COMPANY,
Appellant,
vs.
CHARLES BEZAK, AN INDIVIDUAL,
Respondent.

No. 68280

FILED

OCT 13 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

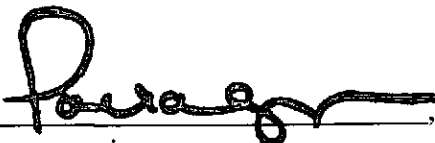
This is an appeal from a district court judgment declaring a trespass warning partially invalid. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

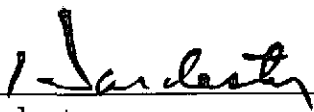
When our review of the documents before this court revealed a jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, as noted in appellant's opening brief, several of respondent's claims against appellant and others remain pending below, such that no final judgment has been entered in the underlying case. See NRAP 3A(b)(1) (providing a right to appeal from "[a] final judgment entered in an action"); *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Further, although the district court certified the appealed order as final pursuant to NRCP 54(b), NRCP 54(b) certification is available only when the order completely removes at least one party from the action. See NRCP 54(b) ("When multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the parties . . ."); *Mallin v. Farmers Ins. Exch.*, 106 Nev. 606, 797 P.2d 978 (1990) (explaining that NRCP 54(b) certification is available in an action involving multiple

parties when the order completely resolves the action as to one or more, but fewer than all, of the multiple parties). Here, no party was completely removed from the action.

Appellant failed to timely respond to our show cause order. As a result, we conclude that the NRCP 54(b) certification is invalid and we lack jurisdiction. Therefore, we

ORDER this appeal DISMISSED.


_____, C.J.
Parraguirre


_____, J.
Hardesty


_____, J.
Pickering

cc: Hon. Gloria Sturman, District Judge
Ara H. Shirinian, Settlement Judge
Kravitz, Schnitzer & Johnson, Chtd.
Bourassa Law Group, LLC
Eighth District Court Clerk