

IN THE SUPREME COURT OF THE STATE OF NEVADA

CYNTHIA A. LARA AND RICHARD LARA,
AS THE PARENT AND GUARDIAN AD
LITEM OF GRACE NICOLE LARA,

Appellants,

vs.

VAN R. BOHMAN, M.D., AND PATRICK
PARK, M.D.,

Respondents.

No. 36399

FILED

JAN 12 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order granting respondent Bohman's motion to dismiss for failure to state a claim upon which relief can be granted. When our preliminary review of this appeal revealed a potential jurisdictional defect, we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction.

It appeared that the district court had not resolved all claims against all parties. See *Rae v. All American Life & Cas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979). In particular, the district court's order did not resolve appellants' claims against: Sierra Health Services, Inc.; Health Plan of Nevada, Inc., a division of Sierra Health Services, Inc.; Southwest Medical Associates, Inc., a division of Sierra Health Services, Inc.; Michael Moran, CNM; Theresa McKnight, APN-C; and Patrick Park, M.D.¹ Accordingly, on November 7, 2000, this court issued an order to show cause why this appeal should not be dismissed for lack of jurisdiction.

¹As we previously noted in the order to show cause, the order appealed from makes no reference to any dismissal of Grace Nicole Lara's claim against Patrick Park, M.D. The assertion, without supporting documentation, by appellants' counsel that "Dr. Patrick Park did join in [Dr. Bohman's] [m]otion to [d]ismiss" does not demonstrate to our satisfaction that the district court formally resolved Grace Nicole Lara's claim against Patrick Park, M.D.

On December 11, 2000, appellants filed a response to the order to show cause purporting to voluntarily dismiss this appeal. We construe the response as a motion to voluntarily dismiss this appeal and grant the motion. See NRAP 42(b). Accordingly, we hereby dismiss this appeal, with the parties to bear their own fees and costs.

It is so ORDERED.

Young, J.
Young

Rose, J.
Rose

Becker, J.
Becker

cc: Hon. Michael L. Douglas, District Judge
William F. Buchanan, Settlement Judge
Potter Law Offices
Randall Scarlett
John H. Cotton & Associates, Ltd.
Schuering Zimmerman & Scully
Clark County Clerk