

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT N. PECCOLE; AND NANCY A.  
PECCOLE, INDIVIDUALS,

Appellants,

vs.

THE CITY OF LAS VEGAS,

Respondent.

No. 71550

**FILED**

NOV 10 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order dismissing a complaint for injunctive relief and an order denying a motion for a preliminary injunction.

Our review of the documents on file in this matter reveals a jurisdictional defect. Claims remain pending against defendants Fore Stars, Ltd.; 180 Land Co., LLC; Seventy Acres, LLC; EHB Companies, LLC; Yohan Lowie; Vickie Dehart; and Frank Pankratz (third parties) and the district court has not certified the order dismissing appellants' complaint as to respondent as final pursuant to NRCP 54(b). A final order is one that disposes of all of the issues presented in the case. *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Orders that dispose of fewer than all of the parties or claims in a case are not appealable, absent a finality certification under NRCP 54(b). *See id.*, at 428 n.4, 996 P.2d at 418 n.4; *Rae v. All Am. Life & Cas. Co.*, 95 Nev. 920, 922, 605 P.2d 196, 197 (1979) (“[W]hen multiple parties are involved in an action, a judgment is not final unless the rights and liabilities of all parties are adjudicated.”). Accordingly, as we lack jurisdiction to consider the order dismissing appellants' complaint against respondent, we dismiss this appeal as it relates to that order.

16-35206

Ordinarily, an order refusing to grant injunctive relief is appealable. See NRAP 3A(b)(3). However, in light of the district court's dismissal of appellants' complaint for injunctive relief against respondent, "the existence of which is necessary to permit the granting of an injunction, the question of the propriety of an injunction be[comes] moot." *Manzonie v. State, ex rel. De Ricco*, 81 Nev. 53, 55, 398 P.2d 694, 695 (1965). Accordingly, we dismiss appellants' appeal from the order denying their motion for a preliminary injunction against respondent.

It is so ORDERED.<sup>1</sup>

Cherry, J.  
Cherry

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

cc: Hon. Douglas Smith, District Judge  
Nathaniel J. Reed, Settlement Judge  
Peccole & Peccole  
Las Vegas City Attorney  
The Jimmerson Law Firm, P.C.  
Eighth District Court Clerk

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<sup>1</sup>Based on our dismissal of this appeal, appellants' motion for stay pending appeal and third parties' motions to amend caption and to dismiss appeal are denied as moot.