

IN THE SUPREME COURT OF THE STATE OF NEVADA

KARMI PROPERTIES LLC,  
Appellant,  
vs.  
BANK OF AMERICA, N.A.,  
Respondent.

No. 70967

**FILED**

MAR 27 2017

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

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order granting a motion for summary judgment. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

When our initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. We explained that it did not appear that the challenged order was appealable as a final judgment under NRAP 3A(b)(1) because appellant's claims against First American Title and Nevada Affordable Housing Assistance Corporation and respondent's cross-claims against Villa Trieste at Westpark Community Association and Nevada Association Services remained pending in the district court.

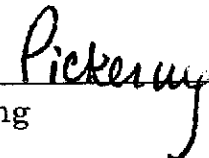
Having considered appellant's response, we agree that appellant's claims against First American Title and Nevada Affordable Housing Assistance Corporation have been resolved. However, where respondent's motion for summary judgment did not ask for judgment on the cross-claims, or even mention the cross-claims, and the challenged order does not mention or specifically resolve any cross-claims, we do not agree with appellant's assertion that the challenged order can reasonably

be read to grant the cross-claims.<sup>1</sup> We also do not agree that all of the cross-claims were implicitly granted when the district court concluded that NRS Chapter 116 is facially unconstitutional. We thus conclude that the challenged order is not appealable as a final judgment under NRAP 3A(b)(1). *See Lee v. GNLV. Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Appellant does not assert, and it does not appear, that the challenged order is otherwise appealable. *See Brown v. MHC Stagecoach*, 129 Nev. 343, 347, 301 P.3d 850, 853 (2013). Accordingly, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Kenneth C. Cory, District Judge  
Michael H. Singer, Settlement Judge  
The Law Office of Mike Beede, PLLC  
Akerman LLP/Las Vegas  
Eighth District Court Clerk

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<sup>1</sup>We note that even if the cross-claims were implicitly granted, the district court order would still be non-final because neither it, nor any other order, awards or addresses the damages requested for the two unjust enrichment cross-claims.