

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE BANK OF NEW YORK MELLON,
F/K/A BANK OF NEW YORK, AS
TRUSTEE, ON BEHALF OF THE
REGISTERED HOLDERS OF
ALTERNATIVE LOAN TRUST 2006-
OC6, MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2006-OC6
(ERRONEOUSLY NAMED AS BANK
OF NEW YORK MELLON, F/K/A BANK
OF NEW YORK),

Appellant,

vs.

HOLM INTERNATIONAL
PROPERTIES, LLC, A UTAH LIMITED
LIABILITY COMPANY,

Respondent.

No. 71319

FILED

MAY 11 2017

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

ORDER DISMISSING APPEAL

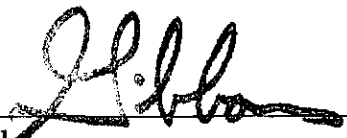
This is an appeal from a district court order granting a motion for summary judgment. Eighth Judicial District Court, Clark County; Rob Bare, Judge.

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. Specifically, it appeared that the challenged order was not appealable as a final judgment under NRAP 3A(b)(1) because counterclaims against Shadow Wood Homeowners Association and Alessi and Koenig LLC remained pending in the district court. In response, appellant concedes that the claims against Alessi and Koenig remain pending in the district court. Respondent agrees that the claims against Alessi and Koenig LLC remain pending and also asserts that the claims

against Shadow Wood remain pending. It thus appears that claims remain pending in the district court such that the district court has not yet entered a final judgment appealable under NRAP 3A(b)(1). See *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 96 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. Accordingly, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Rob Bare, District Judge
Janet Trost, Settlement Judge
Wright, Finlay & Zak, LLP/Las Vegas
Mortenson & Rafie, LLP
Eighth District Court Clerk

¹Given this order, we take no action on the motion to stay proceedings or for an extension of time to file the opening brief, filed on April 18, 2017.