

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD JERGIS,

No. 36510

Appellant,

FILED

vs.

NOV 15 2000

SEARS ROEBUCK AND COMPANY, A NEW
YORK CORPORATION,

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

Respondent.

ORDER DISMISSING APPEAL

This is a proper person appeal from a jury verdict. Respondent filed a motion to dismiss this appeal on several grounds: (1) that appellant validly waived his right to appeal, (2) that the notice of appeal was procedurally defective, and (3) that this court lacks jurisdiction over this appeal because there has been no final judgment. Appellant did not respond in any way to the motion to dismiss.

We conclude that appellant may not maintain this appeal, as he has accepted the benefits of the jury's verdict and the stipulation he entered into.¹ See Culbertson v. Culbertson, 91 Nev. 230, 533 P.2d 768 (1975); Hummel v. Roberts, 70 Nev. 225, 265 P.2d 219 (1954). Accordingly, we grant respondent's motion and

ORDER this appeal dismissed.

[Signature]

Shearing

J.

[Signature]

Agosti

J.

[Signature]

Leavitt

J.

¹As we dismiss this appeal on this basis, we do not consider the other arguments raised by respondent.

cc: Hon. Stephen L. Huffaker, District Judge
Hutchison & Steffen
Richard Jergis
Clark County Clerk