

IN THE SUPREME COURT OF THE STATE OF NEVADA

ASI MARKETING GROUP, LLC, A
LIMITED LIABILITY COMPANY,
Appellant,
vs.
CASEY DENNIS TOBIAS, AN
INDIVIDUAL,
Respondent.

No. 73708

FILED

OCT 30 2017

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

ORDER DISMISSING APPEAL

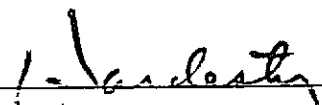
This is an appeal from a district court order partially granting a motion for summary judgment. Respondent has filed a motion to dismiss this appeal for lack of jurisdiction, asserting that the challenged order is not a final judgment appealable under NRAP 3A(b)(1) and is not otherwise appealable. Appellant opposes the motion.

As appellant concedes in its docketing statement and in its opposition, appellant's contract and unjust enrichment claims remain pending in the district court. Accordingly, the order is not a final judgment appealable under NRAP 3A(b)(1). *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment as "one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney's fees and costs."). Appellant asserts that the challenged order is a final judgment because the order resolves all of appellant's tort claims, which are separate from its contract and unjust enrichment claims. This argument plainly lacks merit. There can be no final judgment where claims remain pending in the district court. *See id.* To the extent appellant asserts that the pending claims are collateral to the claims resolved by the challenged order and thus the order is appealable under the collateral order


exception to the final judgment rule, *see Cohen v. Beneficial Indust. Loan Corp.*, 337 U.S. 541 (1949), this argument also lacks merit as that exception is not recognized in Nevada.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Brown v. MHC Stagecoach*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). No statute or court rule authorizes an appeal from an interlocutory order partially granting a motion for summary judgment. Accordingly, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Mark R. Denton, District Judge
Erik Fitting & Associates, Ltd.
Hutchison & Steffen, LLC
Persi J. Mishel, Settlement Judge
Eighth District Court Clerk