

IN THE SUPREME COURT OF THE STATE OF NEVADA

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR STRUCTURED
ASSET SECURITIES CORPORATION,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-BC6, A
NATIONAL BANKING ASSOCIATION,

Appellant,

vs.


ANTHONY BORGERT, AN
INDIVIDUAL,

Respondent.

No. 73487

FILED

APR 30 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion for summary judgment in a quiet title action. Eighth Judicial District Court, Clark County; Michael Villani, 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 district court had not entered a final judgment appealable under NRAP 3A(b)(1) where appellant's claim for unjust enrichment against respondent, as well as respondent's claim for slander of title, remained pending in the district court. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment).

In response to our order, appellant stated that the parties had submitted to the district court a stipulation to certify the challenged judgment as final under NRCP 54(b). We entered an order on February 8, 2018, noting that appellant did not provide a copy of a certification order and stating that it appeared certification under NRCP 54(b) would be

improper because the challenged order did not remove any party from the district court action. See NRCP 54(b); *Mallin v. Farmers Ins. Exch.*, 106 Nev. 606, 610, 797 P.2d 978, 981 (1990). We directed appellant to show cause, by March 12, 2018, why this appeal should not be dismissed for lack of jurisdiction. We cautioned that failure to demonstrate that this court has jurisdiction may result in the dismissal of this appeal.

To date, appellant has not responded to our February 8, 2018, order or otherwise communicated with this court. It appears, as discussed above, that the district court has not yet entered a final judgment because both appellant and respondent have claims remaining in the district court and the order certifying the challenged order as final under NRCP 54(b) is improper. Accordingly, as no other statute or court rule appears to permit an appeal from the challenged order, see *Brown v. MHC Stagecoach*, 129 Nev. 343, 345, 31 P.3d 850, 851 (2013) (this court may only consider appeals that are authorized by statute or court rule), we conclude that we lack jurisdiction and we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Michael Villani, District Judge
Israel Kunin, Settlement Judge
Wright, Finlay & Zak, LLP/Las Vegas
The Law Office of Mike Beede, PLLC
Eighth District Court Clerk