

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHEILA JOHNSON, AN INDIVIDUAL,
Appellant,

vs.

ACE DOLLAR DISCOUNT CENTER,
INC., D/B/A DOLLAR DISCOUNT
CENTER, A NEVADA CORPORATION;
AND DOLLAR DISCOUNT CENTER, A
NEVADA CORPORATION,
Respondents.

No. 73687

FILED

MAY 02 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 negligence action. Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

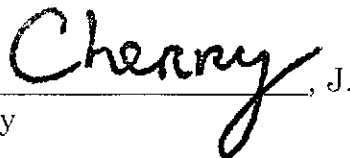
When our initial review of the docketing statement and documents before this court revealed potential jurisdictional defects, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the district court had not yet entered a final 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). Further, to the extent the order granting summary judgment was a final order, it appeared that appellant filed a timely tolling motion regarding that order, and the motion remained pending in the district court. *See NRAP 4(a)(4); AA Primo Builders, LLC v Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1194-95 (2010). Accordingly, the notice of appeal may have been prematurely filed. *See NRAP 4(a)(6)*.

In response to our order, appellant asserts that the motion she filed in the district court was not a tolling motion. Appellant does not, however, address this court's concerns regarding the lack of a final judgment.

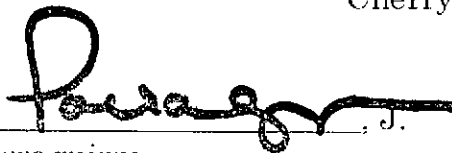
The order challenged in this appeal grants summary judgment in favor of respondents and dismisses them from the case. The order does not resolve appellant's claim against Sahara or Sahara's cross-claims. Although the district court entered an order granting a motion for determination of good faith settlement between appellant and Sahara, the order does not enter judgment in favor of any party or otherwise resolve any claims. See *Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 444-46, 874 P.2d 729, 732-34 (1994) (an order approving a proposed settlement is not a final judgment where it does not dismiss or otherwise resolve the parties' claims). Accordingly, it appears that appellant's claims against Sahara and Sahara's cross-claims remain pending in the district court such that the summary judgment order is not appealable as a final judgment. See *Lee*, 116 Nev. at 426, 996 P.2d at 417.

As it does not appear that any order completely resolves the complaint and cross-claims asserted in this action, or that any statute or court rule allows an appeal from an interlocutory order granting summary judgment, see *Brown v. MHC Stagecoach*, 129 Nev. 343, 345, 301 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.¹

 Cherry, J.

Cherry

 Parraguirre, J.

Parraguirre

 Stiglich, J.

Stiglich

¹We decline to determine that this appeal was frivolous. See NRAP 38. Accordingly, respondents' request for the imposition of sanctions and/or attorney fees and costs is denied.

cc: Hon. Richard Scotti, District Judge
Carolyn Worrell, Settlement Judge
Injury Lawyers of Nevada
Lucherini Blakesley Courtney, P.C.
Eighth District Court Clerk