

IN THE SUPREME COURT OF THE STATE OF NEVADA

RH KIDS, LLC,

Appellant,

vs.

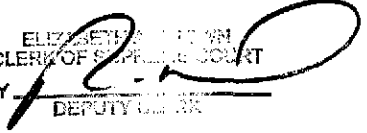
THE BANK OF NEW YORK MELLON,  
F/K/A THE BANK OF NEW YORK AS  
TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF CWALT,  
INC., ALTERNATIVE LOAN TRUST  
2006-OC5, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES  
2006-OC5,

Respondent.

No. 76389

FILED

MAR 21 2010

ELIZABETH A. TOWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*

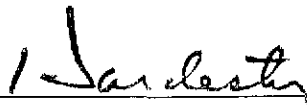
This is an appeal from a district court order, purportedly certified as final under NRCP 54(b), granting a motion for summary judgment in a quiet title action. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.


This court's review of the docketing statement and documents before this court revealed a potential jurisdictional defect. It appeared that the district court had not yet entered a final judgment appealable under NRAP 3A(b)(1) because claims remained pending in the district court, including respondent's claim for unjust enrichment against appellant. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). It also appeared that the order was improperly certified as final under NRCP 54(b) because both appellant and respondent remained in the district court. *See NRCP 54(b); Loomis v. Whitehead*, 124 Nev. 65, 67 n.3, 183 P.3d 890, 891 n.3 (2008). It further appeared that a later order dismissing respondent's unjust enrichment claim against appellant was not

a final judgment because respondent's claims against Liberty at Mayfield Community Association (HOA) remained pending.

In response to this court's order to show cause, appellant seems to contend that the order dismissing respondent's unjust enrichment claim against appellant is the final judgment in this matter. Appellant suggests that respondent's claims against the HOA were resolved in the earlier order certifying the summary judgment order as final where that order stayed respondent's claims against the HOA pending appeal. However, an order staying claims pending appeal does not finally resolve those claims for purposes of finality under NRAP 3A(b)(1). As no other district court order appears to resolve respondent's claims against the HOA, it appears those claims remain pending and the order dismissing the unjust enrichment claim is not a final judgment appealable under NRAP 3A(b)(1). Appellant does not assert, and it does not appear, that any other statute or court rule authorizes this appeal. *See Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court "may only consider appeals authorized by statute or court rule"). Accordingly, it appears that this court lacks jurisdiction, and this court

ORDERS this appeal DISMISSED.<sup>1</sup>

, J.  
Hardesty

, J.  
Stiglich

, J.  
Silver

<sup>1</sup>This dismissal is without prejudice to appellant's ability to file a notice of appeal from any district court order finally resolving all claims asserted by all parties in the district court.

cc: Hon. Stefany Miley, District Judge  
Hong & Hong  
Akerman LLP/Las Vegas  
Eighth District Court Clerk