

IN THE SUPREME COURT OF THE STATE OF NEVADA

PALM GARDENS LIMITED
PARTNERSHIP, A NEVADA LIMITED
PARTNERSHIP; AND JAMES M.
RHODES,

Appellants/Cross-Respondents,

vs.

THE GARDENS EAST, INC., A
NEVADA CORPORATION; PRESTIGE
DEVELOPMENT CORPORATION, A
FLORIDA CORPORATION; LOUIS E.
GOLDMAN, JR.; AND MARSHALL
GOLDMAN,

Respondents/Cross-Appellants.

No. 37017

FILED

DEC 13 2001

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

ORDER DISMISSING APPEAL AND CROSS-APPEAL

This is an appeal and cross-appeal from a judgment on an arbitration award in a real estate dispute. When our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we ordered the parties to show cause why their appeal and cross-appeal should not be dismissed. We noted that the district court's October 9, 2000 judgment was against only James M. Rhodes. Thus, it appeared that the district court had not entered a final written judgment adjudicating all the rights and liabilities of all the parties because the claims against appellant/cross-respondent Palm Gardens Limited Partnership ("PGLP") remained pending in the district court.

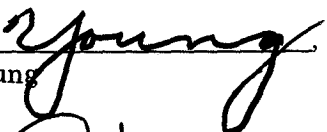
In response to our show cause order, appellants/cross-respondents concede the jurisdictional defect, and request that we "defer further action with respect to this appeal and cross-appeal" while they return to the district court to challenge aspects of the arbitration award as reflected in the judgment. We deny appellants/cross-respondents' request.

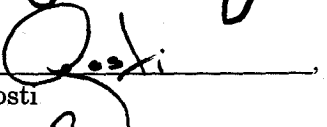
Respondents/cross-appellants responded to our show cause order by obtaining an amended arbitration award, deleting a reference to PGLP and a reference to James M. Rhodes' non-party corporation. Respondents/cross-appellants assert that these amendments have cured


the jurisdictional defect in the district court's judgment. But the judgment still does not resolve the rights and liabilities of PGLP.

An appeal may be taken from a final judgment in an action or proceeding.¹ When multiple parties are involved in an action, a judgment is not final unless the rights and liabilities of all parties are adjudicated.² Because the rights and liabilities of PGLP remain to be adjudicated in the district court, we conclude that we lack jurisdiction to entertain this appeal and cross-appeal, and we

ORDER this appeal and cross-appeal DISMISSED.³


_____. J.
Young


_____. J.
Agosti


_____. J.
Leavitt

cc: Hon. Lee A. Gates, District Judge
M. Nelson Segel, Settlement Judge
Corby D. Arnold
Marquis & Aurbach
Clark County Clerk

¹NRAP 3A(b)(1).

²See Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).

³We deny as moot the March 8, 2001 motion to expedite appeal, and the April 12, 2001 motion to enlarge the time to file an opposition to the motion to expedite. We direct the clerk of this court to return, unfiled, the opposition provisionally submitted on April 3, 2001.