

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID S. HOLLAND,
Appellant/Cross-Respondent,
vs.
RALPH FERNANDEZ,
Respondent,
and
RONALD TAXE,
Respondent/Cross-Appellant.

No. 37041

FILED

JAN 03 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL AND CROSS-APPEAL


This is a proper person appeal and cross-appeal from a district court order granting in part and denying in part several cross-motions for summary judgment. Our review of the documents transmitted to this court pursuant to NRAP 3(e) reveals several jurisdictional defects.

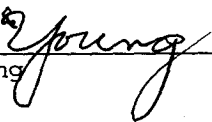
First, the order appealed from is not a final judgment, as it does not resolve all claims as to all parties. See Lee v. GNLV Corp., 116 Nev. ___, 996 P.2d 416 (2000). In addition, while the district court attempted to certify the portion of its order granting summary judgment against respondent/cross-appellant Taxe, as final pursuant to NRCP 54(b), the certification is defective because the district court did not make an express determination that there was no just reason for delay. See NRCP 54(b); Aldabe v. Evans, 83 Nev. 135, 425 P.2d 598 (1967). Also, it is not clear that the order is amenable to certification. See Hallicrafters Co. v. Moore, 102 Nev. 526, 728 P.2d 441 (1986) (providing that NRCP 54(b) certification is improper where the factual underpinnings of all the claims are so closely related to the cause of action resolved by the district court that this court

would likely be required to resolve factual or legal issues pending below in the course of deciding the appeal).

Accordingly, as we lack jurisdiction, we

ORDER this appeal dismissed.


_____, J.
Rose


_____, J.
Young


_____, J.
Becker

cc: Hon. Nancy M. Saitta, District Judge
Nersesian & Sankiewicz
David S. Holland
Ronald Taxe
Clark County Clerk