

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE, IN TRUST
FOR THE REGISTERED HOLDERS OF
MORGAN STANLEY ABS CAPITAL I
INC. TRUST 2006-HE5, MORTGAGE
PASS-THROUGH CERTIFICATES
SERIES 2006 HE-5,

Appellant,

vs.

VEGAS PROPERTY SERVICES, INC.,
Respondent.

No. 71410

FILED

FEB 08 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court summary judgment in an action to quiet title. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

When our initial review of this appeal revealed a potential jurisdictional defect, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the district court's order was not a final and appealable judgment because appellant's claim for tortious interference with contract, and respondent's third party complaint against Nadine McGaheny remained pending below, and the district court had not certified the order appealed from as final pursuant to NRCP 54(b). See NRAP 3A(b)(1); *Lee v. GNLV Corp.*, 116 Nev. 424, 428 n.4, 996 P.2d 416, 418 n.4 (orders that dispose of fewer than all of the parties or claims in a case are not appealable, absent a finality certification under NRCP 54(b)); *Rae v. All Am. Life & Cas. Co.*, 95 Nev. 920, 922, 605 P.2d 196, 197 (1979) ("[W]hen multiple parties are

involved in an action, a judgment is not final unless the rights and liabilities of all parties are adjudicated.”).

In response to this court’s order, appellant states that this court has jurisdiction over this appeal because it is in the process of voluntarily dismissing the claim for tortious interference and that respondent is in the process of seeking a default judgment against Nadine McGaheny. A review of the district court’s docket entries indicates that an order has been entered dismissing the tortious interference claim, however, it appears that the third party complaint against Nadine McGaheny remains pending. Thus, we lack jurisdiction over this appeal. Accordingly, we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Kenneth C. Cory, District Judge
John Walter Boyer, Settlement Judge
Wright, Finlay & Zak, LLP/Las Vegas
The Wright Law Group
Eighth District Court Clerk