

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZAISAN ENTERPRISES LLC,
Appellant,
vs.
GREEN TREE SERVICING, LLC,
Respondent.

No. 70389

FILED

FEB 28 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting in part a motion for summary judgment. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

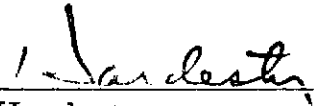
When our preliminary review of the docketing statement and documents before this court revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. We questioned whether a final judgment had been entered in the district court where appellant's claims for declaratory relief, unjust enrichment, equitable subrogation, and eviction/unlawful detainer appeared to remain pending in the district court. See NRAP 3A(b)(1); *Lee v. GNLV, Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000).

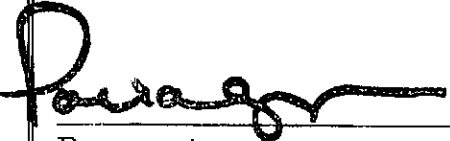
In response to our order, appellant has provided a copy of a notice of voluntary dismissal pursuant to NRCP 41, filed in the district court on January 20, 2017, dismissing the eviction claim against Laura Atias. Based upon this dismissal, we conclude that appellant's claims for declaratory relief and eviction/unlawful detainer no longer remain pending in the district court.

Appellant also asserts that because the district court concluded that NRS Chapter 116 is facially unconstitutional, there are no

circumstances under which it could prevail on its equitable subrogation and unjust enrichment claims, where those claims are based on the constitutionality of the statute. Appellant's complaint does not base these claims on NRS Chapter 116 and it does not appear that they are necessarily resolved by the district court's order. Accordingly, it appears that these claims remain pending in the district court such that the district court has not yet entered a final judgment appealable under NRAP 3A(b)(1), and we lack jurisdiction over this appeal. We thus

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Jessie Elizabeth Walsh, District Judge
Janet Trost, Settlement Judge
Wolfe Thompson
Brooks Hubley LLP
Eighth District Court Clerk