

IN THE SUPREME COURT OF THE STATE OF NEVADA

AARON M. MORGAN, INDIVIDUALLY,
Appellant,

vs.

DAVID E. LUJAN, INDIVIDUALLY;
AND HARVEST MANAGEMENT SUB
LLC, A FOREIGN LIMITED-LIABILITY
COMPANY,

Respondents.

No. 77753

FILED

SEP 17 2019

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

ORDER DISMISSING APPEAL

This is an appeal from a jury verdict and an order denying a motion for entry of judgment. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Appellant sued respondents for personal injuries. Prior to trial, a verdict form was prepared that inadvertently omitted respondent Harvest Management Sub, LLC, from the form, thereby preventing the jury from specifying its determination as to Harvest's vicarious or respondeat superior liability. Neither the parties nor the district court noticed the omission. The jury awarded appellant damages, but no disposition resolves the claims against Harvest. Accordingly, as the parties concur, there is no final judgment at this point. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment as "one that disposes of all the issues presented in the case, and leaves nothing to the district court's consideration except postjudgment issues such as attorney fees and costs"). Appellant attempted to resolve the matter by filing a motion for entry of judgment against Harvest, but the district court declined on the ground that the factual record was insufficient for it to make a ruling. Appellant appeals.

Harvest has filed a motion to dismiss this appeal as premature and to direct the district court to enter judgment in favor of Harvest. Appellant opposes the motion and has filed a renewed counter-motion for a limited remand pursuant to *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978) and NRAP 12A to enable the district court to rule on the motion for entry of judgment. This court lacks jurisdiction because the judgment is not final. Jurisdiction remains vested in the district court to take whatever steps it needs to reach a final judgment. Appellant may appeal from a final judgment. The motion to dismiss is granted and this court

ORDERS this appeal DISMISSED.¹

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Ara Shirinian, Settlement Judge
Richard Harris Law Firm
Marquis Aurbach Coffing
Bailey Kennedy
Rands, South & Gardner/Henderson
Eighth District Court Clerk

¹Harvest's request that this court direct the district court to enter judgment in its favor is denied.