

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT A. AIMAR AND ELSIE M.  
AIMAR,

Appellants,

vs.

GUARANTEE TRUST LIFE  
INSURANCE COMPANY, AN ILLINOIS  
CORPORATION,

Respondent.

No. 36850

**FILED**

DEC 06 2001

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

ALBERT A. AIMAR AND ELSIE M.  
AIMAR,

Appellants,

vs.

ROBERT POLASKY, D/B/A ROBERT  
POLASKY AGENCY; AND ROBERT  
POLASKY, INDIVIDUALLY,

Respondents.



GUARANTEE TRUST LIFE  
INSURANCE COMPANY, AN ILLINOIS  
CORPORATION,

Appellant,

vs.

ALBERT A. AIMAR AND ELSIE M.  
AIMAR,

Respondents.

No. 37739

**ORDER DISMISSING APPEALS**

These are three related appeals arising from a district court action concerning the sale of an annuity contract. In Docket No. 36850, the Aimars appeal from the district court's order granting summary judgment for Guarantee Trust Life Insurance Company ("GTL") on all claims, which was certified as final under NRCP 54(b). In Docket No. 37280, the Aimars appeal from the order granting partial summary judgments for Robert Polasky and Robert Polasky Agency ("RPA"), which was also certified as final. Finally, in Docket No. 37739, GTL appeals

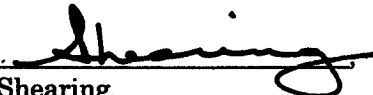
01-20467

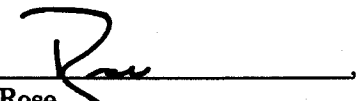
from an order denying its request for attorney fees under NRS 17.115 and NRCP 68.


Our preliminary review of all three appeals revealed several potential jurisdictional defects. Specifically, it appeared that the district court's summary judgment orders were not amenable to NRCP 54(b) certifications because the claims asserted in the action are so closely related that this court must necessarily decide important issues pending below in order to decide the issues appealed.<sup>1</sup> Consequently, both appeals, as well as GTL's appeal from the order denying attorney fees, appeared improper.<sup>2</sup> In two separate orders, we directed the appellants to demonstrate proper jurisdiction in each of their respective appeals.

The Aimars and GTL have filed responses in their respective appeals. We have considered their contentions in support of jurisdiction and find them to be unpersuasive. Instead, we conclude that the closeness of the claims asserted below, and the likelihood of prejudice to the defendants remaining below flowing from any decision on appeal, make both certifications of finality improper.<sup>3</sup> As no final judgment has been entered, GTL also cannot appeal at this time from the order denying its request for fees. Based on the foregoing, we conclude that we lack jurisdiction over these appeals and

ORDER these appeals DISMISSED.<sup>4</sup>

 J.  
Shearing

 J.  
Rose

 J.  
Becker

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<sup>1</sup>See Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 797 P.2d 978 (1990); Hallicrafters Co. v. Moore, 102 Nev. 526, 728 P.2d 441 (1986).

<sup>2</sup>See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000) (stating that an order granting or denying an award of attorney fees and costs is appealable as a special order made after final judgment).

<sup>3</sup>See Mallin, 106 Nev. at 610-11, 797 P.2d at 981.

<sup>4</sup>We deny as moot the parties' joint motion to consolidate these appeals, filed in Docket Nos. 36850, 37280 and 37739.

cc: Hon. Gene T. Porter, District Judge  
Hon. Michael L. Douglas, District Judge  
Curran & Parry  
Michaelson & Associates  
Beckley, Singleton, Chtd./ Las Vegas  
Wadhams & Akridge  
Clark County Clerk