

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOLAN MANGUIN; AND CARMEN
MANGUIN, HUSBAND AND WIFE AS
JOINT TENANTS,
Appellants,
vs.
HOME MEANS NEVADA, INC.;
WESTERN PROGRESSIVE-NEVADA,
INC.; HSBC BANK USA, NATIONAL
ASSOCIATION AS TRUSTEE; AND
OCWEN LOAN SERVICES, LLC,
Respondents.

No. 78915-COA

FILED

OCT 09 2020

ELIZABETH H. DEWAIN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

Jolan and Carmen Manguin appeal from a district court order dismissing their underlying complaint as to certain respondents. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

The Manguins initiated the underlying action, which brought claims related to the foreclosure of certain real property against respondents Home Means Nevada, Inc., Western Progressive-Nevada, Inc., HSBC Bank USA, National Association, and Ocwen Loan Services, LLC. As the matter proceeded forward, the district court dismissed the complaint as to Western Progressive, HSBC and Ocwen and denied the Manguins' motions for summary judgment on their claims. The district court also orally granted Home Means Nevada's motion to dismiss, but no signed, file-stamped order memorializing that decision was entered by the court. Nevertheless, the Manguins filed a notice of appeal in this matter,

challenging the order denying their motions for summary judgment and dismissing their case as to Western Progressive, HSBC and Ocwen.

Our review of the documents before this court reveals a jurisdictional defect in this appeal—specifically, that a final, appealable judgment has not been entered in the underlying case. A final judgment is one that resolves all issues in a case, leaving nothing for the court’s future consideration except post-judgment issues. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). And here, although the district court dismissed the underlying case as to Western Progressive, HSBC and Ocwen, the Manguins’ claims against Home Means Nevada remain pending below.


While the district court orally granted Home Means Nevada’s motion to dismiss the claims pending against it, and a proposed order to that effect was filed below, that order was not signed by the district court judge. And neither an oral ruling nor an unsigned order are effective to finally resolve these remaining claims. *See Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (providing that only a final written judgment has any effect, and thus, only a written judgment may be appealed); NRCP 58(c) (requiring that an order or judgment be signed in order for it to be effective).

Under these circumstances, the Manguins’ notice of appeal was prematurely filed, and we therefore lack jurisdiction to consider this appeal. Once the district court enters a signed, written, file-stamped order finally resolving their claims against Home Means Nevada, the Manguins can file

a new notice of appeal challenging the dismissal of their claims in the underlying matter. Accordingly, for the reasons set forth above, we

ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Carmen Manguin
Jolan Manguin
Wright, Finlay & Zak, LLP/Las Vegas
Platt Law Group
Eighth District Court Clerk