

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN C. WOOD, AN UNMARRIED
MAN,

No. 37564

Appellant/Cross-Respondent,

vs.

BARRY W. LIPPARELLI AND LYNN
LIPPARELLI, HUSBAND AND WIFE;
DENNIS S. LIPPARELLI AND KERRY
LIPPARELLI, HUSBAND AND WIFE;
MICHAEL LIPPARELLI,
INDIVIDUALLY; 4L PARTNERSHIP, A
NEVADA GENERAL PARTNERSHIP;
AVANTI PROPERTIES, A NEVADA
GENERAL PARTNERSHIP; RIMROCK
DEVELOPMENT, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
MOUNT ROSE MINI STORAGE, A
NEVADA GENERAL PARTNERSHIP;
AND THE LIPPARELLI FAMILY
TRUST,

Respondents/Cross-Appellants.

FILED

OCT 08 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL AND CROSS-APPEAL

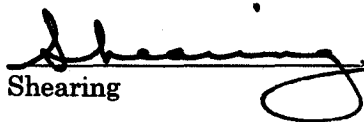
This is an appeal and a cross-appeal from an order entered on February 8, 2001, in an action to set aside fraudulent conveyances of real property and related claims. Our preliminary review of the documents submitted to this court pursuant to NRAP 3(e), and the docketing statements, revealed a potential jurisdictional defect. Specifically, it appeared that a final judgment in this action had not yet been entered because appellant/cross-respondent's claim of defamation/slander and respondents/cross-appellants' counterclaims for breach of fiduciary duty, declaratory relief, assignment of rents, and conversion had not been formally resolved. On August 22, 2001, we directed both parties to show cause why this appeal and cross-appeal should not be dismissed for lack of jurisdiction.

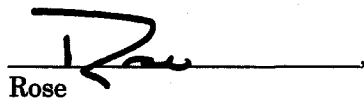
In their response, respondents/cross-appellants (collectively "the Lipparellis") acknowledge the jurisdictional problem and concede that this proceeding should be dismissed. Appellant/cross-respondent John C. Woods merely contends that his appeal should proceed if this court is

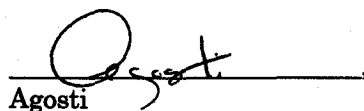
"satisfied" that jurisdiction exists. He does not address whether the February 8, 2001 order was a final, appealable judgment.

Based on the foregoing, we conclude that the February 8, 2001 order was not a final judgment due to the pending claim and counterclaims. Therefore, Wood's notice of appeal filed on March 9, 2001, and the Lipparellis' notice of appeal filed on March 30, 2001, were premature and failed to vest jurisdiction in this court.¹ Accordingly, as we lack jurisdiction, we

ORDER this appeal and cross-appeal DISMISSED.²

 J.
Shearing

 J.
Rose

 J.
Agosti

cc: Hon. Jerome Polaha, District Judge
Mario G. Recanzone, Settlement Judge
James F. Sloan
Walther Key Maupin Oats Cox Klaich & LeGoy
Washoe County Clerk

¹Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).

² The responses include an "Addendum to Decision" that the district court entered on September 12, 2001, which appears to formally resolve the claim and counterclaims that appeared pending below. We note that if the September 12, 2001, order adjudicated all remaining claims and counterclaims pending in the district court, see Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000), the parties may perfect their appeals by filing new notices of appeal from that order within the time limits set forth in NRAP 4(a).

We deny as moot Wood's motion to dismiss the Lipparellis' cross-appeal.