

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: SEVEN HILLS GOLF COURSE
LITIGATION.

No. 37752

FILED

MAR 12 2003

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

WILL F. ARELLANO, L. ARELLANO,
KYLE ARETT, MARIA E. BEGUE, EVE
L. BAILEY, ROBERT BILLINGTON,
MARY BILLINGTON, MARK A.
BIRTHA, DEAN BOLEN, PATRICIA
BOLEN, RICHARD BROWN, ESTHER
BROWN, WILLIAM BUSCHUR,
CAROLYN BUSCHUR, ANTHONY
CAMPAGNA, KAREN CAMPAGNA,
AUSTIN CLARK, BARBARA CLARK,
FERNANDO CRUZ, YVONNE CRUZ,
TIMOTHY J. CUA, DENNIS DAVIS,
MARIA DAVIS, ANTHONY DELGADO,
JOAN DELGADO, CATHY DELLA
VEDOVA, TERRY DEMARCANTINO,
JAMES DENEEN, BRIT DENEEN, IDA
DOMAN, ROBB DOMNITZ, SUSAN
DOUGHERTY, JANE MCKELUIO,
MARC DURAND, JOYCE DURAND,
JOHN FRISBY, DIANE FRISBY,
RICHARD GIANCHETTI, MICHAEL
GLASS, CAROLE GLASS, WOLFGANG
GLOSSNER, VICTORIA GLOSSNER,
BRUNO GOTZMER, MARSHA
GOTZMER, WAYNE GUTIERREZ,
ELIZABETH GUTIERREZ, ERIC K.
HAGENBURGER, THOMAS HALL,
SUSAN HALL, ANGELA HANDLOS,
ANDREW HOSKINS, ELIZABETH
HOSKINS, WILLIAM M. HUMPHREY,
DERON HUNSBERGER, ANGELA
HUNSBERGER, GLENN R. JOHNSON,
NIRA JOHNSON, DONALD JONKER,
PAT JONKER, ARDEL JORGENSEN,
HARRY KASSAP, ADREIENNE

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SUPREME COURT
OF
NEVADA

(O) 1947A

03-04121

KASSAP, ROBERT M. KELLY, LINDA
KRING, BARBARA N. LEE, HARRY P.
LEE, KARL LENNARTZ, JANICE
LENNARTZ, JUDITH A. LIKAR,
JOSEPH LOWER, PAT MACMILLAN,
ROBERT MADRIGALE, LISA
MADRIGALE, JOHN F. MALONEY,
TANYA MARION, VICTOR MATERA,
JEANNE MATERA, ALLEN
MATSUNAGA, FAY MATSUNAGA,
CHARLES MCBRIDE, DELPHINE
MCBRIDE, DIXIE MOORE, DWAIN
MOORE, JUAN MORI, CORRIE
MORRISON, JAMES MORRISON,
GREG MORROW, BECKY GOETTSCH,
MICHAEL MOSES, LOURDES MOSES,
SPENCER NELSON, JOYCE NELSON,
CHARLES OBERLIN, KATHLEEN
OBERLIN, RICHARD A. OWEN, JAMES
G. PETERSON, DEANNE PETERSON,
NOBUKO PICK, JOE PURSELL,
PATRICIA PURSELL, STEVEN
PUTNAM, KANITTHA PUTNAM,
ADRIAN QUINONEZ, NORMA
QUINONEZ, THOMAS RADICH, RITA
RADICH, MELISSA RATHKE, SCOTT
RATHKE, SUSAN RAYMOND, LYNN
SAXBY, JOE W. SHARY, NICHOLAS
SPERANZA, HOWARD STARR, C P
STINY, MICHELE STINY, STEVEN
STORY, BARBARA STORY, JERRY
SWANSON, TAMMI SWANSON,
ROBERT C. THAEMERT, CHARLES
THOMAS, MADELYN THOMAS,
MAURO TORRES, MAGDALENA
TORRES, CLAY VITALE, RAGINA
VITALE, ANTHONY WALESA,
JENNIFER WALESA, ELMO WALTON,
LEGARTHA WALTON, TIMOTHY
WHITE, LISA WHITE, MICHAEL
WRAGE, DEBORAH WRAGE, PAUL

YATES, LINDA YATES, ROBERT
YOUNG, JR., LEZLIE YOUNG, LUIS
ZARAGOZA, YOLANDA ZARAGOZA,
DENNIS ZALEWSKI, SANDRA
ZALEWSKI, STEVEN ZELLERS, AND
KATHLEEN ZELLERS,
Appellants,

vs.

RIO DEVELOPMENT, INC., AND
SILVER CANYON PARTNERSHIP,
Respondents.

IN RE: SEVEN HILLS GOLF COURSE
LITIGATION.

No. 38045

WILL F. ARELLANO, L. ARELLANO,
KYLE ARETT, MARIA E. BEGUE, EVE
L. BAILEY, ROBERT BILLINGTON,
MARY BILLINGTON, MARK A.
BIRTHA, DEAN BOLEN, PATRICIA
BOLEN, RICHARD BROWN, ESTHER
BROWN, WILLIAM BUSCHUR,
CAROLYN BUSCHUR, ANTHONY
CAMPAGNA, KAREN CAMPAGNA,
AUSTIN CLARK, BARBARA CLARK,
FERNANDO CRUZ, YVONNE CRUZ,
TIMOTHY J. CUA, DENNIS DAVIS,
MARIA DAVIS, ANTHONY DELGADO,
JOAN DELGADO, CATHY DELLA
VEDOVA, TERRY DEMARCANTINO,
JAMES DENEEN, BRIT DENEEN, IDA
DOMAN, ROBB DOMNITZ, SUSAN
DOUGHERTY, JANE MCKELUIO,
MARC DURAND, JOYCE DURAND,
JOHN FRISBY, DIANE FRISBY,
RICHARD GIANCHETTI, MICHAEL
GLASS, CAROLE GLASS, WOLFGANG
GLOSSNER, VICTORIA GLOSSNER,
BRUNO GOTZMER, MARSHA
GOTZMER, WAYNE GUTIERREZ,
ELIZABETH GUTIERREZ, ERIC K.

HAGENBURGER, THOMAS HALL,
SUSAN HALL, ANGELA HANDLOS,
ANDREW HOSKINS, ELIZABETH
HOSKINS, WILLIAM M. HUMPHREY,
DERON HUNSBERGER, ANGELA
HUNSBERGER, GLENN R. JOHNSON,
NIRA JOHNSON, DONALD JONKER,
PAT JONKER, ARDEL JORGENSEN,
HARRY KASSAP, ADREIENNE
KASSAP, ROBERT M. KELLY, LINDA
KRING, BARBARA N. LEE, HARRY P.
LEE, KARL LENNARTZ, JANICE
LENNARTZ, JUDITH A. LIKAR,
JOSEPH LOWER, PAT MACMILLAN,
ROBERT MADRIGALE, LISA
MADRIGALE, JOHN F. MALONEY,
TANYA MARION, VICTOR MATERA,
JEANNE MATERA, ALLEN
MATSUNAGA, FAY MATSUNAGA,
CHARLES MCBRIDE, DELPHINE
MCBRIDE, DIXIE MOORE, DWAIN
MOORE, JUAN MORI, CORRIE
MORRISON, JAMES MORRISON,
GREG MORROW, BECKY GOETTSCH,
MICHAEL MOSES, LOURDES MOSES,
SPENCER NELSON, JOYCE NELSON,
CHARLES OBERLIN, KATHLEEN
OBERLIN, RICHARD A. OWEN, JAMES
G. PETERSON, DEANNE PETERSON,
NOBUKO PICK, JOE PURSELL,
PATRICIA PURSELL, STEVEN
PUTNAM, KANITTHA PUTNAM,
ADRIAN QUINONEZ, NORMA
QUINONEZ, THOMAS RADICH, RITA
RADICH, MELISSA RATHKE, SCOTT
RATHKE, SUSAN RAYMOND, LYNN
SAXBY, JOE W. SHARY, NICHOLAS
SPERANZA, HOWARD STARR, C P
STINY, MICHELE STINY, STEVEN
STORY, BARBARA STORY, JERRY
SWANSON, TAMMI SWANSON,

ROBERT C. THAEMERT, CHARLES THOMAS, MADELYN THOMAS, MAURO TORRES, MAGDALENA TORRES, CLAY VITALE, RAGINA VITALE, ANTHONY WALES, JENNIFER WALES, ELMO WALTON, LEGARTHA WALTON, TIMOTHY WHITE, LISA WHITE, MICHAEL WRAGE, DEBORAH WRAGE, PAUL YATES, LINDA YATES, ROBERT YOUNG, JR., LEZLIE YOUNG, LUIS ZARAGOZA, YOLANDA ZARAGOZA, DENNIS ZALEWSKI, SANDRA ZALEWSKI, STEVEN ZELLERS, AND KATHLEEN ZELLERS,
Appellants/Cross-Respondents,
vs.
SILVER CANYON PARTNERSHIP,
Respondent,
and
RIO DEVELOPMENT, INC.,
Respondent/Cross-Appellant.

ORDER GRANTING MOTION TO DISMISS APPEAL IN DOCKET NO. 37752 AND GRANTING REQUEST FOR ADDITIONAL TIME TO CURE JURISDICTIONAL DEFECT IN DOCKET NO. 38045

The appeals in Docket No. 37752 and Docket No. 38045 arise out of a consolidated multi-party action involving the sale of a golf course to respondent/cross-appellant Rio Development, Inc. (Rio). Docket No. 37752 is an appeal by appellants/cross-respondents Class Plaintiffs from a district court order entered on March 15, 2001, denying a motion for attorney fees and costs. Docket No. 38045 is an appeal by Class Plaintiffs and a cross-appeal by Rio from the district court's order entered on May 14, 2001. Our preliminary review of the docketing statements and the

documents submitted to this court pursuant to NRAP 3(e) revealed potential jurisdictional defects in both appeals.

Specifically, in Docket No. 37752, the notice of appeal appeared to have been filed before the entry of a final written judgment, and the order appealed from appeared to be an interlocutory order that was not independently appealable under NRAP 3A(b)(2). In Docket No. 38045, it appeared that the district court had not entered a final written judgment adjudicating all the rights and liabilities of all the parties. Accordingly, we ordered Class Plaintiffs and Rio to show cause why their respective appeals should not be dismissed.

Docket No. 37752

On June 1, 2001, Rio filed a motion to dismiss the appeal in Docket No. 37752. We deferred ruling on that motion pending receipt of Class Plaintiffs' response to our order to show cause. In Class Plaintiffs' response, they agree that the appeal in Docket No. 37752 was prematurely filed and should be dismissed. Accordingly, we grant Rio's motion to dismiss the appeal in Docket No. 37752.

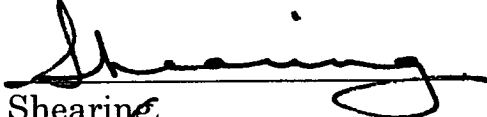
Docket No. 38045


Rio's response to our order to show cause in Docket No. 38045 acknowledges that "there are not final orders or judgments for each and every claim asserted in the trial court below." Rio states that it is "prepared to live with" a dismissal of its cross-appeal as untimely.

Class Plaintiffs also agree that their appeal is jurisdictionally defective. However, Class Plaintiffs request thirty days in which to cure the apparent jurisdictional defect. Class Plaintiffs indicate they will seek an order from the district court formally dismissing all claims and/or all parties not directly addressed in the district court's prior orders.

As it appears that Class Plaintiffs can cure the jurisdictional defects in Docket No. 38045, we grant their request. Accordingly, Class Plaintiffs shall have thirty days from the date of this order within which to demonstrate to this court that they have cured all jurisdictional defects in Docket No. 38045. We note that if Class Plaintiffs obtain a written order from the district court dismissing the remaining parties and/or claims, they must file an amended notice of appeal with the district court within the time frame set forth in NRAP 4(a)(1).¹ Rio may also file any amended notice of appeal within the time frame of NRAP 4(a)(1).

It is so ORDERED.²


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

¹See NRAP 4(a)(4) (providing that no fee is required if an amended notice of appeal is filed to remedy a jurisdictional defect).

²We caution the parties that we will not grant any further requests for an extension of time.

cc: Hon. Stewart L. Bell, District Judge
David K. Robinson, Settlement Judge
Beckley Singleton, Chtd./Las Vegas
Selden Law Firm
Gibson, Dunn & Crutcher LLP
Kummer Kaempfer Bonner & Renshaw
Clark County Clerk