

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK J. KANTOR,

No. 37753

Appellant,

vs.

CHARLES J. LYBARGER, AN  
INDIVIDUAL; LAW OFFICE OF  
CHARLES J. LYBARGER, LTD., A  
NEVADA CORPORATION; AND  
LYBARGER, BUNIN & BUNIN, LTD., A  
NEVADA CORPORATION,

Respondents.

**FILED**

OCT 02 2001

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order dismissing appellant's attorney malpractice claims on respondents' motion for summary judgment. Our preliminary review of the documents transmitted to this court under NRAP 3(e) reveals a potential jurisdictional defect; specifically, it appears that the district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its order/judgment as final pursuant to NRCP 54(b).<sup>1</sup> Appellant concedes in his docketing statement that the appeal is premature, since respondents' counterclaims are still pending in the district court, and requests that this appeal be dismissed. Based upon our jurisdictional review and appellant's concession, we conclude that we do not have jurisdiction over this appeal. Accordingly, we

ORDER this appeal DISMISSED.

*Maupin*, C.J.  
Maupin

*Agosti*, J.  
Agosti

*Leavitt*, J.  
Leavitt

<sup>1</sup>See Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).

cc: Hon. Michael A. Cherry, District Judge  
Jeffrey A. Cogan  
Lybarger, Bunin & Bunin  
Clark County Clerk