

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIE S.,

No. 37755

Appellant,

vs.

FILED

PARK PLACE ENTERTAINMENT
CORP.,

JAN 02 2002

Respondent.

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

ORDER DISMISSING APPEAL

This is an appeal from an order granting respondent Park Place Entertainment's motion to dismiss. On May 14, 2001, appellant filed a notice of withdrawal of appeal. The notice states that appellant "reserves her right hereafter to seek to reinstate this appeal at the conclusion of this case, and that any issues that were or could have been brought in this appeal are reserved and are not forever waived." We entered an order explaining that this court will only dismiss an appeal with prejudice. Once an appeal is dismissed, it may not be reinstated and any issues that were or could have been brought in the appeal are forever waived. Accordingly, the order directed appellant to file a motion for voluntary dismissal with prejudice, or otherwise inform this court of the status of this appeal.

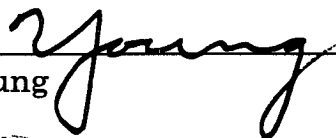
In response to our order, appellant's counsel, Richard R. Sooy, submitted a letter to the clerk of this court explaining that opposing counsel believes that the order appealed from is an unappealable, non-final judgment and that opposing counsel has threatened to seek sanctions if appellant continues to pursue this appeal. Mr. Sooy further explains that he filed the notice of withdrawal in response to opposing counsel's threat of sanctions. Finally, Mr. Sooy states that if the order appealed from is a final order, appellant would like to pursue the instant appeal. If, however, the order is not final, "we do not want to waste the court's time and resources; but, would also like to avoid waiving our client's right to appeal this issue upon final conclusion of this case."

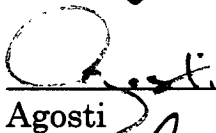
The documents before this court reveal that appellant filed a complaint against Park Place Entertainment and several other parties.


02-60031

Appellant's complaint was dismissed as to Park Place Entertainment, but remains pending against the other parties. An appeal may be taken from a final judgment in an action or proceeding. NRAP 3A(b)(1). It is well settled that when multiple parties are involved in an action, a judgment is not final unless the rights and liabilities of all parties are adjudicated. See, e.g., Rae v. All American Life & Cas. Co., 95 Nev. 920, 922, 605 P.2d 196, 197 (1979); NRCP 54(b). Although, under NRCP 54(b), the district court may direct the entry of a final judgment as to fewer than all parties and make an express determination that there is no reason for delay, it does not appear that the district court did so here. The district court's order dismissing Park Place Entertainment is not certified as a final judgment under NRCP 54(b). Additionally, the district court docket entries do not reveal that any subsequent order was entered certifying the dismissal order as a final judgment. Accordingly, we conclude that we lack jurisdiction to entertain this appeal, and we dismiss this appeal.¹

It is so ORDERED.

 J.
Young

 J.
Agosti

 J.
Leavitt

cc: Hon. Valorie Vega, District Judge
Aubrey Goldberg, Settlement Judge
Richard R. Sooy & Associates
Kravitz Schnitzer & Sloane, Chtd.
Clark County Clerk

¹We note that this dismissal does not affect appellant's right to appeal from the final judgment. Additionally, interlocutory orders entered prior to the final judgment may properly be heard by this court upon an appeal from the final judgment. See Consolidated Generator-Nevada, Inc. v. Cummins Engine Co., Inc., 114 Nev. 1304, 971 P.2d 1251 (1998).