

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRIE HEERS THOMPSON,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.; TIM  
S. HEERS, INDIVIDUALLY AND AS  
GENERAL PARTNER OF SHANGRI  
LA, LTD.; CATHLEEN HEERS  
NORCOTT, INDIVIDUALLY AND AS  
GENERAL PARTNER OF SHANGRI  
LA, LTD.; GARY R. HEERS,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.;  
AND CHERYL D. NOLTE,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.,  
Appellants,  
vs.  
FOOTHILL CAPITAL CORPORATION,  
A CALIFORNIA CORPORATION,  
Respondent.

No. 38010

FILED

SEP 12 2002

STATE CLERK  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

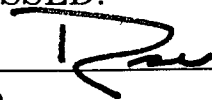
This is an appeal from an order granting partial summary judgment, which was certified as final under NRCP 54(b). On May 29, 2002, we directed appellants to show cause why the appeal should not be dismissed, because it appeared that the district court had not made an express determination that there was no just cause for delay,<sup>1</sup> and because it was not clear that certification was appropriate.<sup>2</sup> Appellants filed a response on June 28, 2002, and respondent filed a reply on July 10, 2002.

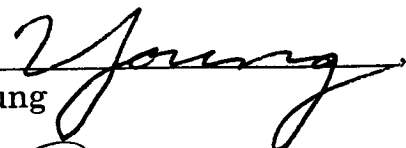
<sup>1</sup>See Aldabe v. Evans, 83 Nev. 135, 425 P.2d 598 (1967).

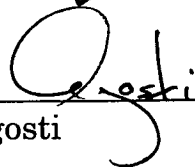
<sup>2</sup>See Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 797 P.2d 978 (1990); Hallicrafters Co. v. Moore, 102 Nev. 526, 728 P.2d 441 (1986).

Having reviewed the documentation submitted in response to our order, we conclude that the certification contained the required finding. The claim resolved in the order appealed from, however, was not properly certifiable under NRCP 54(b). Specifically, all of the claims asserted in the complaint concern the same set of facts and transactions.<sup>3</sup> Accordingly, we conclude that we lack jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

cc: Hon. Lee A. Gates, District Judge  
William L. McGimsey  
Buchalter, Nemer, Fields & Younger  
Gordon & Silver, Ltd.  
Clark County Clerk

---

<sup>3</sup>See KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991) (holding that an order granting partial summary judgment was not properly certified under NRCP 54(b), because the parties' claims against one another arose from the same set of facts and transactions).