

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE L. BERGSTROM,

No. 38234

Appellant,

vs.

JUDGE STEPHEN DAHL,
INDIVIDUALLY; AND CONSTABLE
HERB BROWN, INDIVIDUALLY,

Respondents.

FILED

SEP 25 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT

BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from two district court orders dismissing appellant's complaint as to two defendants. Respondent Brown filed a motion to dismiss this appeal on the basis that neither district court order is a final judgment, and thus jurisdiction is lacking. Respondent Dahl filed a joinder in Brown's motion.

The record reflects that an order dismissing appellant's amended complaint as to Brown was entered on June 26, 2001, and a second order dismissing the complaint as to Dahl was entered on June 27, 2001. But the complaint also named Mark Kincaid as a defendant, and Kincaid filed a counterclaim against appellant.¹ The complaint as to Kincaid and Kincaid's counterclaim remain pending in district court.

We have previously held that a final judgment is one that disposes of all claims as to all parties, including counterclaims, except for certain post-judgment matters such as costs and attorney fees.²

¹We note that Kincaid is not properly a respondent in this appeal, and direct the clerk of this court to amend the caption on this court's docket to reflect the caption on this order.

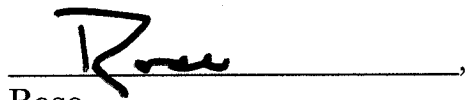
²See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 797 P.2d 978 (1990); Hallicrafters Co. v. Moore, 102 Nev. 526, 728 P.2d 441 (1986).

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Accordingly, as neither of the orders appealed from is a final judgment, nor otherwise appealable,³ we grant Brown's motion and

ORDER this appeal DISMISSED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Mark R. Denton, District Judge
Frank J. Cremen
Kummer Kaempfer Bonner & Renshaw
Potter Law Offices
Steve L. Bergstrom
Clark County Clerk

³See NRAP 3A(b) (listing orders that may be appealed); see also NRCP 54(b) (providing that an order disposing of a claim or a party may be certified as final for purposes of an appeal when the district court finds that there is no just cause for delay). Here, the district court did not certify either order as final under NRCP 54(b), nor did appellant request any such certification.