

IN THE SUPREME COURT OF THE STATE OF NEVADA

HERBERT WALDMAN,
Appellant,
vs.
RICHARD S. GILMAN,
Respondent.

No. 38674

FILED

MAY 08 2002

JANE FLE M. BLOOM
CLERK OF SUPREME COURT
By *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a September 17, 2001 district court order denying summary judgment in a legal malpractice lawsuit.¹ Appellant Waldman has filed a motion to dismiss this appeal for lack of jurisdiction. No opposition has been filed by respondent Gilman.

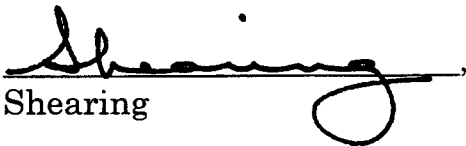
In his motion, Waldman asserts that the district court's NRCP 54(b) certification of the September 17, 2001 order denying summary judgment was improper and ineffective. Specifically, Waldman contends that the NRCP 54(b) certification was improper because no party or separate claim for relief has been completely removed from the action. We agree.²

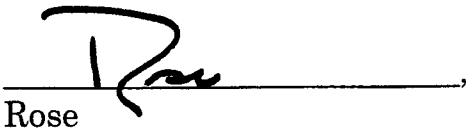
¹A separate district court order entered September 18, 2001, purports to certify the September 17, 2001 order as appealable pursuant to NRCP 54(b).

²See NRCP 54(b); Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 797 P.2d 978 (1990); Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

Accordingly, we grant the motion and dismiss this appeal for lack of jurisdiction.

It is so ORDERED.


_____, J.
Shearing


_____, J.
Rose


_____, J.
Becker

cc: Hon. Nancy M. Saitta, District Judge
Lester H. Berkson, Settlement Judge
Hutchison & Steffen
Law Offices of Richard McKnight, P.C.
Clark County Clerk