

IN THE SUPREME COURT OF THE STATE OF NEVADA

OPHELIA JAVIER,  
Appellant,  
vs.  
KARIN MONARI,  
Respondent.

No. 39131

**FILED**

JUL 24 2002

ORDER DISMISSING APPEAL

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

This is an appeal from a notice of entry of a January 18, 2002 district court order in a dispute over a real property purchase option. Respondent Karin Monari has moved to dismiss the appeal on jurisdictional grounds. Appellant Ophelia Javier has filed an opposition, to which Monari has replied.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.<sup>1</sup> There is no such authorization for an appeal from a notice of entry.<sup>2</sup> Although this court may construe Javier's appeal as being from the January 18, 2002 order,<sup>3</sup> that order is also not appealable. The order merely rejected Monari's attempt to have her daughter listed as the buyer in the purchase agreement, established a date for the close of escrow, and declared that if escrow was not closed on time, Monari "[would] no longer have any right to the subject property." The order did not resolve any of Monari's three

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<sup>1</sup>Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

<sup>2</sup>See NRAP 3A(b).

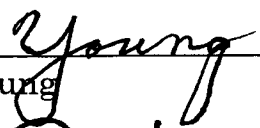
<sup>3</sup>See Forman v. Eagle Thrifty Drugs & Markets, 89 Nev. 533, 516 P.2d 1234 (1973).


claims for relief (specific performance, injunctive relief, and breach of the implied covenant of good faith and fair dealing). An order is not final and appealable unless it disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney fees and costs.<sup>4</sup>

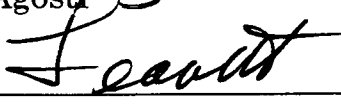
That the January 18, 2002 order did not resolve even Monari's specific performance claim for relief is also evidenced by the fact that the district court, on January 23, 29, and 31, 2002, issued further orders in this case, the last of which directed the district court clerk to execute Javier's name on all documents necessary to close escrow. Javier states that these orders "were not dispositive of the issues essential to the litigation," and that the January 18, 2002 order's notice of entry was the final judgment. But, as indicated above, neither the notice of entry nor the January 18, 2002 order resolved the claims for relief pleaded in Monari's complaint.

Accordingly, because we lack jurisdiction over this appeal, we grant Monari's motion, and we

ORDER this appeal DISMISSED.

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

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

  
\_\_\_\_\_, J.  
Leavitt

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<sup>4</sup>Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

cc: Hon. Sally L. Loehrer, District Judge  
William F. Buchanan, Settlement Judge  
Clinton & McCurry, Chtd.  
Darrell Lincoln Clark  
Clark County Clerk