

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOAN C. RIVET, AN INDIVIDUAL;  
AND JAMES F. COLFER AND OLIVE  
COLFER, HUSBAND AND WIFE,  
Appellants,

vs.

MONTREUX, A NEVADA JOINT  
VENTURE; AND SAM JAKSICK, AN  
INDIVIDUAL,  
Respondents.

JOAN C. RIVET, AN INDIVIDUAL;  
AND JAMES F. COLFER AND OLIVE  
COLFER, HUSBAND AND WIFE,  
Appellants,

vs.

MONTREUX, A NEVADA JOINT  
VENTURE; AND SAM JAKSICK, AN  
INDIVIDUAL,  
Respondents.

No. 39986

**FILED**

MAR 22 2004

JANETTE L. BLOCK  
CLERK OF SUPREME COURT  
BY *J. Rivet*  
CHIEF DEPUTY CLERK

No. 40526

ORDER DISMISSING APPEAL IN DOCKET NO. 39986


These are consolidated and briefed appeals in a tort action. Docket No. 39986 is an appeal from a May 22, 2002 judgment that dismissed appellants' claims against respondents. Docket No. 40526 is an appeal from an October 2, 2002 order that denied motions for reconsideration and judgment notwithstanding the verdict and resolved various motions for attorneys fees and costs.


Appellants concede in their amended docketing statement, filed in Docket No. 39986, that the May 2002 judgment did not resolve the trespass and nuisance claims pleaded against defendant Montreux Golf Club, and that the judgment was not certified as final under NRCP 54(b).

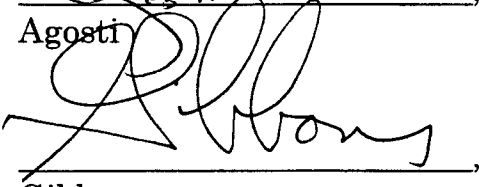
Consequently, this court lacks jurisdiction over the appeal from that judgment.<sup>1</sup> Accordingly, we dismiss the appeal in Docket No. 39986.

Nevertheless, the district court entered a final appealable judgment on October 29, 2002, when it resolved the trespass and nuisance claims.<sup>2</sup> Although appellants' November 5, 2002 notice of appeal, filed in Docket No. 40526, purports to appeal from the October 2, 2002 order, we construe the notice of appeal as targeting the October 29 final judgment.<sup>3</sup> Consequently, the appeal in Docket No. 40526 reaches all preceding interlocutory orders, including the May 22, 2002 partial judgment.<sup>4</sup> This appeal shall, therefore, proceed as briefed.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Becker

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

  
\_\_\_\_\_, J.  
Gibbons

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<sup>1</sup>See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).

<sup>2</sup>See NRAP 3A(b)(1).

<sup>3</sup>See Forman v. Eagle Thrifty Drugs & Markets, 89 Nev. 533, 516 P.2d 1234 (1973), overruled on other grounds by Garvin v. Dist. Ct., 118 Nev. 749, 59 P.3d 1180 (2002).

<sup>4</sup>Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998).

cc: Hon. Jerome Polaha, District Judge  
Robert Eisenberg, Settlement Judge  
Edward S. Coleman  
Thorndal Armstrong Delk Balkenbush & Eisinger/Reno  
Washoe District Court Clerk