

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAI P. NARAYAN, D/B/A ACE MOTOR  
LODGE,  
Appellant,  
vs.  
GREAT NORTHWEST INSURANCE,  
AN IDAHO CORPORATION; STETSON-  
BEEMER & CO.; JUDY MCCROSKEY;  
AND INTERMOUNTAIN CLAIMS, INC.,  
Respondents.

No. 40063

FILED

JUN 04 2003

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting summary judgment. When our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we ordered appellant to show cause why the appeal should not be dismissed. Specifically, it appeared that the district court had not entered a final written judgment adjudicating all the rights and liabilities of all the parties,<sup>1</sup> because the following claims or parties apparently remained below: appellant's counterclaim against respondent Great Northwest Insurance, and appellant's third-party complaint against Great Northwest Insurance, Stetson-Beemer & Co., Judy McCroskey, and Intermountain Claims, Inc. We also noted that the district court did not certify its order as final pursuant to NRCP 54(b), and that certification under NRCP 54(b) would not be appropriate in any event, because the claims were so intertwined.<sup>2</sup> Finally, we noted that appellant could cure the jurisdictional defect by

<sup>1</sup>Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).

<sup>2</sup>See Hallicrafters Co. v. Moore, 102 Nev. 526, 728 P.2d 441 (1986).


obtaining a district court order dismissing the remaining claims, and then filing an amended notice of appeal within the time required by NRAP 4(a)(1).


Appellant submitted a timely response to our order, indicating that he had obtained a stipulation to remand this matter to the district court for the limited purpose of certifying the order under NRCP 54(b), as well as certification from the district court that it was inclined to grant the relief requested.<sup>3</sup>

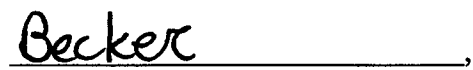
We subsequently entered a second order to show cause, and noted two problems with appellant's response. First, as we indicated in our first order to show cause, certification under NRCP 54(b) would not be appropriate, and second, a remand was unnecessary because the defective notice of appeal did not divest the district court of jurisdiction. We thus gave appellant one more opportunity to remedy the jurisdictional problem.

Appellant filed a timely response to the second order to show cause, consenting to dismissal of this appeal. We conclude that we lack jurisdiction, and accordingly, we

ORDER this appeal DISMISSED.

  
Shearing, J.

  
Leavitt, J.

  
Becker, J.

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<sup>3</sup>See Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978).

cc: Hon. Jerome Polaha, District Judge  
Wm. Patterson Cashill  
Skinner, Watson & Rounds/Reno  
Washoe District Court Clerk