

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOZSEF ZORITY, M.D.,
Appellant,
vs.
EUGENE EISENMAN, M.D., LIMITED,
Respondent.

No. 40091

FILED

JAN 15 2002

ORDER DISMISSING APPEAL

JANETTE W. DUDOM
CLERK OF SUPREME COURT
BY J. Richard
CHIEF DEPUTY CLERK

This is an appeal from a district court order granting a motion to dismiss. In October 2001, Sunrise Hospital and Medical Center filed a complaint against appellant Jozsef Zority, M.D. Zority filed an answer and a third party complaint against respondent Eugene Eisenman, M.D. On July 15, 2002, the district court granted Eisenman's motion to dismiss Zority's third-party complaint on statute of limitation grounds. Zority filed this appeal on August 15, 2002.

On August 26, 2002, Eisenman filed a motion to dismiss this appeal for lack of jurisdiction. Eisenman asserts that there is no final judgment in the underlying case because Sunrise's claims against Zority appear to be ongoing. Zority did not file a response or opposition to the motion.

Under NRAP 3A(b)(1), an appeal may be taken from a final judgment. A final judgment is one that disposes of all issues presented in the case and leaves nothing for the court's future consideration, except for post-judgment issues such as costs and attorney fees.¹ Here, the July 15, 2002 order only resolves the third-party claims asserted by Zority against Eisenman. The documentation before this court indicates that the original


¹Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000).

claims asserted by Sunrise against Zority were unresolved at the time this appeal was filed. In fact, Zority asserted in the docketing statement that an arbitration award was rendered against Zority and in favor of Sunrise on August 19, 2002, after Zority filed his notice of appeal. Further, it appears that the district court has not resolved Sunrise's claims in a formal, written order.

Therefore, because the district court's July 15, 2002 order is not a final judgment, we lack jurisdiction to consider this appeal. Accordingly, we grant Eisenman's motion, and we

ORDER this appeal DISMISSED.²


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Kathy A. Hardcastle, District Judge
David K. Robinson, Settlement Judge
J.E. Ring Smith
Marc P. Cook & Associates, Ltd.
Clark County Clerk

²We vacate our order entered on December 16, 2002, directing appellant to file either a transcript request form or a certificate of no transcript request.