

IN THE SUPREME COURT OF THE STATE OF NEVADA

STRUCTURE CONTROL, INC., AND
DON LAYTON,
Appellants,

vs.

JAMES R. OLSON; CANDACE
COLLINS OLSON; ACTION
CONCRETE; AZTECH PLASTERING;
STATELINE DEVELOPMENT;
PACIFIC TILE AND MARBLE;
CREATIVE STONE & PLASTER;
UNIVERSAL POLYMER; AND IQ
PLUMBING,
Respondents.

No. 40178

FILED

FEB 19 2003

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

ORDER DISMISSING APPEAL

This is an appeal from a district court judgment and an order denying a motion for new trial in a construction defect case. When our preliminary review of the docketing statement and the NRAP '3(e) documents revealed a potential jurisdictional defect, we ordered appellants to show cause why their appeal should not be dismissed. We were concerned that the district court had not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court had not certified its judgment as final under NRCP 54(b).¹ We also questioned whether appellant Don Layton had standing to appeal.²

¹Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); KDI Sylan 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).

²See NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994).

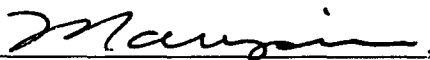
On December 30, 2002, appellants responded to our show cause order, conceding "that there are claims and/or parties remaining in the district court that appear to make this appeal jurisdictionally defective." Appellants sought a thirty-day extension of time within which to perfect their appeal.

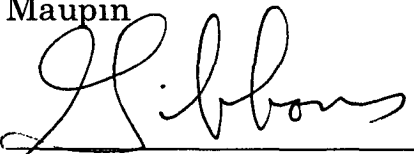
On January 28, 2003, appellants filed an amended response to our show cause order, stating that they have been unable to cure the jurisdictional defects and obtain a final, appealable judgment. Appellants acknowledge that "this Court is without jurisdiction and that the appeal should be dismissed."

Consequently, we conclude that this court lacks jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Sally L. Loehrer, District Judge
Beckley, Singleton, Chtd./Las Vegas
Parker Nelson & Arin, Chtd.
Rawlings Olson Cannon Gormley & Desruisseaux
Helm & Helm
William C. Turner & Associates
Ryder & Caspino
Pacific Tile and Marble
Creative Stone & Plaster
Stateline Development
Universal Polymer
Clark County Clerk