

IN THE SUPREME COURT OF THE STATE OF NEVADA

DELORES YARBROUGH,
Appellant,
vs.
PERPETUAL INVESTMENT, INC., A
NEVADA CORPORATION,
Respondent.

No. 40992

FILED

JUN 06 2003

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

ORDER GRANTING MOTION TO WITHDRAW
AND DISMISSING APPEAL

This is an appeal from a district court order awarding respondent partial summary judgment and issuing a writ of restitution in a real property case.

On May 19, 2003, appellant's counsel, L. Earl Hawley, filed in this court a motion to withdraw, citing a breakdown of the attorney-client relationship and non-payment of legal fees. A lawyer may withdraw when a client fails to fulfill an obligation to the lawyer regarding the lawyer's services or when the lawyer's continued representation will result in an unreasonable financial burden.¹ We conclude that attorney Hawley has demonstrated good cause for withdrawal under this standard, and therefore, we grant the motion to withdraw as appellant's attorney of record. Attorney Hawley shall serve a copy of this order on appellant, and shall file proof of such service within ten days of this order's date.

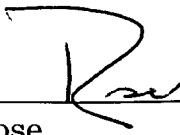
We also conclude that this court lacks jurisdiction over this appeal because the district court has not entered a final appealable judgment. A final appealable judgment is one that disposes of all issues in

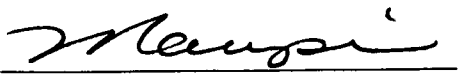
¹SCR 166(2)(d) & (e).

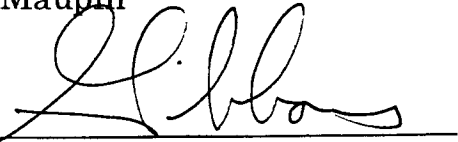
the case, leaving nothing for the lower court's consideration except post-judgment issues like attorney fees and costs.² Here, the district court's order leaves unresolved respondent's "Quasi Contract/Unjust Enrichment" claim for damages and appellant's third party claims against Julia Smith. Thus, the district court's order is not final and appealable, and this court lacks jurisdiction to consider this appeal.³

Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

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

³See Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987) (indicating that this court is powerless to entertain a jurisdictionally defective appeal). We reject appellant's docketing statement assertion that NRAP 3A(b)(3) confers jurisdiction on this court. NRAP 3A(b)(3) applies only in actions to redeem property from a mortgage or lien and in which there has been an accounting. This case, in contrast, involves claims of negligence, unlawful detainer, breach of the implied covenant of good faith and fair dealing, invasion of privacy and fraud.

Appellant may be able to appeal once the district court enters a final appealable judgment.

cc: Hon. Lee A. Gates, District Judge
L. Earl Hawley
Deaner, Deaner, Scann, Malan & Larsen
Clark County Clerk