

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARILYN MONROE, INDIVIDUALLY
AND AS NATURAL MOTHER AND
GUARDIAN AD LITEM OF JAMES
MONROE, A MINOR,
Appellant,

vs.

COLUMBIA SUNRISE HOSPITAL AND
MEDICAL CENTER, F/K/A SUNRISE
HOSPITAL AND MEDICAL CENTER,
Respondent.

No. 41609

FILED

OCT 06 2003

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

MARILYN MONROE, INDIVIDUALLY,
AND AS NATURAL MOTHER AND
GUARDIAN AD LITEM OF JAMES
MONROE, A MINOR,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KATHY A. HARDCASTLE, DISTRICT
JUDGE,

Respondents,

and

COLUMBIA SUNRISE HOSPITAL AND
MEDICAL CENTER, FORMERLY
KNOWN AS SUNRISE HOSPITAL AND
MEDICAL CENTER,
Real Party in Interest.

No. 41532

ORDER DISMISSING APPEAL IN DOCKET NO. 41609
AND DENYING MOTION TO CONSOLIDATE
IN DOCKET NOS. 41532 AND 41609

This is an appeal from a district court order granting respondent's motion for partial summary judgment and respondent's motion for summary judgment as to all individual claims on behalf of appellant Marilyn Monroe.

Respondent moved to dismiss this appeal on June 25, 2003. Because the appeal was in this court's settlement conference program, we denied the motion without prejudice. On August 28, 2003, after the settlement judge filed a report requesting that the matter be removed from settlement until a decision on the motion to dismiss was entered, respondent again moved to dismiss this appeal. At that time, respondent also moved to consolidate this appeal with a related petition for a writ of mandamus (Docket No. 41532).

The right to appeal is statutory; where no statute or court rule authorizes an appeal, no right to appeal exists.¹ NRAP 3A(b)(1) authorizes an appeal from a final judgment, which is any written order or judgment of the district court that finally resolves all claims against all parties to the action, and leaves nothing for the future consideration of the district court, except for post-judgment issues such as attorney fees and costs.² Respondents are correct that the district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its order as final pursuant to NRCPC 54(b). The district court order challenged in this appeal disposed of


¹Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

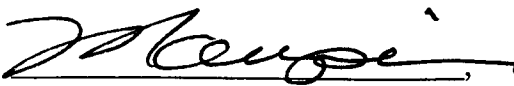
²Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

some, but not all of appellant's claims. Accordingly, we grant respondent's motion and dismiss this appeal.³

It is so ORDERED.⁴


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Maupin

cc: Hon. Kathy A. Hardcastle, District Judge
Althea Gilkey
Earley Savage
Clark County Clerk

³We deny as moot appellant's motion to voluntarily dismiss this appeal without prejudice. We note that it appears appellant retains the right to appeal from any final adverse judgment in the underlying district court case.

⁴In light of this order, we deny as moot respondent's motion to consolidate this appeal with the related petition for a writ of mandamus in Docket No. 41532.