

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY ALAN FONSECA,
Appellant,
vs.
SUSAN SMITHER, INDIVIDUALLY,
AND AS SPECIAL ADMINISTRATRIX
OF THE ESTATE OF RICHARD DALE
SMITHER,
Respondent.

No. 41958

FILED

SEP 19 2003

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

ORDER DISMISSING APPEAL


This proper person appeal is taken from a district order that granted a motion for summary judgment as to liability. Our review of the documents transmitted under NRAP 3(e) reveals a jurisdictional defect. An appeal may be taken only when authorized by statute or court rule.¹ Although NRAP 3A(b)(1) permits an appeal from a final judgment, the district court's order only pertains to liability and expressly explains that the damages issue will be considered at a later date. Thus, the order is not a final judgment that disposes of all claims against all parties.² We have previously recognized that "it is permissible for a district court to enter an interlocutory summary judgment on the issue of liability alone . . . which determination may not be reviewed until a final judgment . . . is

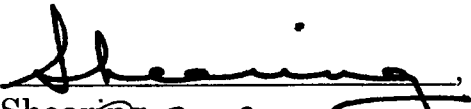
¹Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

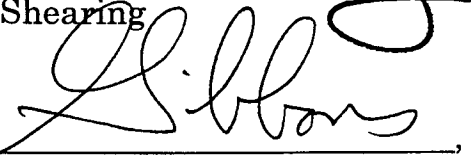
²See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

entered.”³ Here, appellant, if ultimately aggrieved, may appeal from the final judgment and challenge the district court’s partial summary judgment in that appeal.⁴ As we lack jurisdiction to consider this appeal, we dismiss it.

It is so ORDERED.


_____, J.
Becker


_____, J.
Shearing


_____, J.
Gibbons

cc: Hon. David Wall, District Judge
Timothy Alan Fonseca
Mainor Harris
Clark County Clerk

³Mid-Century Ins. Co. v. Cherubini, 95 Nev. 293, 295, 593 P.2d 1068, 1070 (1979).

⁴Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998).