

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEAN M. PETERSON, INDIVIDUALLY,
Appellant,
vs.
WESTERN INSURANCE COMPANY, A
NEVADA CORPORATION,
Respondent.

No. 42371

FILED

MAY 19 2005

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting summary judgment for respondent, and denying appellant's motion to amend his answer to assert a counterclaim against respondent. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.


When our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed potential jurisdictional defects, we ordered appellant on March 28, 2005, for a second time, to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we were unable to discern whether this court had jurisdiction to consider the instant appeal, because it appeared that further action must be taken by the district court to determine the actual measure of damages in this case, to permit sale of the collateral, or to determine other rights and liabilities of the parties.¹


In appellant's untimely response to our order to show cause, he concedes that this court lacks jurisdiction, because the district court

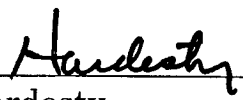
¹See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

has not yet made a complete determination of damages and no NRCP 54(b) certification was issued. Accordingly, we dismiss the appeal.

It is so ORDERED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Valorie Vega, District Judge
Eugene Osko, Settlement Judge
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas
Faux & Associates, P. C.
Clark County Clerk