

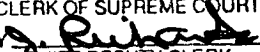
IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES W. TODD AND TURIA R.
SIEGER TODD, HUSBAND AND WIFE,
D/B/A TALEVER AUTOMATION,
Appellants,
vs.
WILLAMETTE PATTERN WORKS, AN
OREGON CORPORATION,
Respondent.

No. 42521

FILED

FEB 03 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This proper person appeal is taken from a district court order denying appellants' motion to set aside a judgment. Ninth Judicial District Court, Douglas County; Michael P. Gibbons, Judge.

Our review of the record before us reveals a jurisdictional defect. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.¹ NRAP 3A(b)(1) and (2) allow an appeal from a final judgment, and from any special order made after final judgment. This court has held that an order denying a motion to set aside a judgment under NRCP 60(b) is appealable.² But that ruling applies only to final judgments.³

In this case, it appears that the district court has not entered a final judgment. A final judgment is one that adjudicates the rights and liabilities of all the parties and leaves nothing for the court's future

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

²Holiday Inn v. Barnett, 103 Nev. 60, 732 P.2d 1376 (1987).

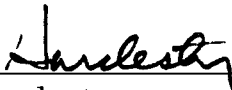
³Barry v. Lindner, 119 Nev. 661, 669, 81 P.3d 537, 542 (2003).

consideration, except certain post-judgment issues such as attorney fees and costs.⁴ Here, the record does not contain a written judgment or order formally resolving Willamette's complaint against Turia Sieger Todd. In particular, the "Statement of Confession of Judgment" was signed only by Charles Todd, and the subsequent judgment entered pursuant to that Statement was entered against Charles Todd only. Therefore, as the district court has not entered a final written judgment in the matter, there is no right to appeal from what is essentially an interlocutory order denying the Todds' motion to set aside the judgment. Thus, as we lack jurisdiction, we dismiss this appeal.⁵

It is so ORDERED.


_____, C. J.
Becker


_____, J.
Rose


_____, J.
Hardesty

⁴Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

⁵We note that the Todds may appeal if they obtain from the district court a judgment or order that formally resolves Willamette's complaint against Turia Sieger Todd.

cc: Hon. Michael P. Gibbons, District Judge
Charles W. Todd
Turia R. Sieger Todd
Scarpello & Huss, Ltd.
Douglas County Clerk