IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBYN LINDNER,
Appellant,
vs.
JEFFREY A. BARRY; GRESHAM GROUP, INC., A MAINE CORPORATION; GLOVILL ENTERPRISES, INC., A PANAMANIAN CORPORATION; C.A. BAUMAN; A/K/A TONY BAUMAN; AND DESTRA RISK MANAGEMENT LIMITED, A NEVADA CORPORATION,
Respondents.

No. 42840

FILED

OCT 18 2006

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order granting summary judgment. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Our review of appellant Robyn Lindner's civil appeal statement, respondents Glovill Enterprises, Inc., and C.A. Bauman's response, and the record in this appeal reveals a jurisdictional defect. Specifically, the district court has not entered a final written judgment adjudicating all of the rights and liabilities of all of the parties. A final judgment is one that disposes of all of the issues presented in the case, and leaves nothing for the future consideration of the court, except certain post-judgment issues.[1]

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

06-21459

Here, Glovill Enterprises and Bauman's answer to Lindner's first amended complaint included counterclaims and a crossclaim. Specifically, Glovill and Bauman asserted against Lindner causes of action for intentional interference with contractual/business relationship and abuse of process. Further, Glovill asserted against respondents Jeffrey A. Barry and Destra Risk Management Limited a cause of action related to their purported default on promissory notes to Glovill. But nothing before this court indicates that any written order or judgment has been entered by the district court to dispose of these claims against Lindner, Barry, and Destra.[2] Accordingly, as no final judgment amenable to jurisdiction in this court appears to exist, we

ORDER this appeal DISMISSED.

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

[2]Id.

cc: Hon. Steven R. Kosach, District Judge
Robyn Lindner
Jeffrey Friedman
William R. Kendall
Watson Rounds
Washoe District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAY SILVERMAN,
Appellant,
vs.
CHARLESTONWOOD APARTMENTS AND TERRIE LOCKLIN,
Respondents.

No. 43633

FILED

OCT 18 2006

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

ORDER AFFIRMING IN PART AND DISMISSING APPEAL IN PART

This is a proper person appeal from several district court orders in a landlord-tenant dispute, including an order awarding attorney fees and costs. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Although appellant designated several district court orders in his notice of appeal, this court lacks jurisdiction to review all but the order granting attorney fees and costs, as either the notices of appeal were untimely, in violation of NRAP 4(a)(1), or the designated orders are not substantively appeallable.

The district court's final judgment in this case was its order granting respondent Terrie Locklin's motion to dismiss and respondent Charlestonwood Apartments' motion for summary judgment. Written notice of this judgment's entry was served on April 6, 2004, but the notice

of appeal was filed more than thirty days later, on July 15, 2004. An untimely notice of appeal fails to vest jurisdiction in this court.[1]

Additionally, the district court's interlocutory order addressing miscellaneous matters and its interlocutory order denying appellant's prove up of default of defendant Terrie Locklin could only be challenged in the context of an appeal from the final judgment.[2] Since the final judgment was not timely appealed as discussed above, these interlocutory orders cannot now be challenged.[3] Finally, although appellant purports to appeal from the district court's order denying his motion to vacate the judgment, his notice of appeal was filed more than thirty days after written notice of this order's entry was served and is thus untimely.[4] Accordingly, we dismiss this appeal as to all orders except the order awarding attorney fees and costs, which is appealable as a special order after final judgment.[5]

The district court has sound discretion to award attorney fees and costs under NRS 18.010(2)(b), which authorizes fees and costs when

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[1]NRAP 4(a)(1); Healy v. Volkswagenwerk, 103 Nev. 329, 741 P.2d 432 (1987).

[2]Consolidated Generator v. Cumming Engine, 114 Nev. 1304, 971 P.2d 1251 (1998).

[3]Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984) (noting that an appeal may be taken only when authorized by rule or statute).

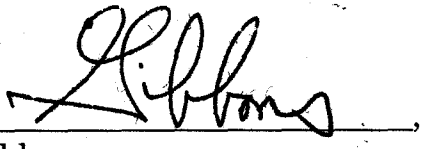
[4]NRAP 4(a)(1); Healy, 103 Nev. 329, 741 P.2d 432; Holiday Inn v. Barrett, 103 Nev. 60, 732 P.2d 1376 (1987).

[5]See NRAP 3A(b)(2); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000).

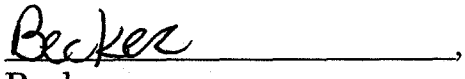
an action is brought without reasonable grounds or to harass the prevailing party. Its ruling in this regard will not be overturned absent a manifest abuse of discretion.[6] On appeal, we must determine whether evidence in the record supports the district court's findings that appellant's complaint was brought without reasonable grounds or for harassment purposes.[7]

Here, the record amply supports the district court's conclusion that appellant did not state any reasonable grounds for his complaint and thus the district court did not abuse its discretion when it awarded attorney fees and costs. Accordingly, we affirm the district court's order.

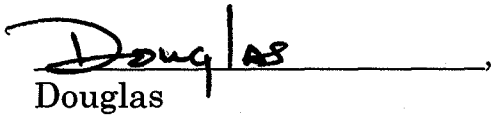
It is so ORDERED.



_____, J.
Gibbons



_____, J.
Becker



_____, J.
Douglas

cc: Hon. Jessie Elizabeth Walsh, District Judge
Jay Silverman
John Peter Lee Ltd.
Clark County Clerk

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[6]Kahn v. Morse & Mowbray, 121 Nev. 464, 479, 117 P.3d 227, 238 (2005).

[7]Id.