

IN THE SUPREME COURT OF THE STATE OF NEVADA

CASHMAN EQUIPMENT COMPANY, A
NEVADA CORPORATION,
Appellant,
vs.

WEST EDNA ASSOCIATES, LTD.,
D/B/A MOJAVE ELECTRIC, A NEVADA
CORPORATION; WESTERN SURETY
COMPANY, A SURETY; THE WHITING
TURNER CONTRACTING COMPANY,
A MARYLAND CORPORATION;
FIDELITY AND DEPOSIT COMPANY
OF MARYLAND; AND TRAVELERS
CASUALTY AND SURETY COMPANY
OF AMERICA, A SURETY,
Respondents.

CASHMAN EQUIPMENT COMPANY, A
NEVADA CORPORATION,
Appellant,
vs.

CAM CONSULTING INC., A NEVADA
CORPORATION; ANGELO CARVALHO,
AN INDIVIDUAL; JANEL RENNIE
A/K/A JANEL CARVALHO, AN
INDIVIDUAL; WEST EDNA
ASSOCIATES, LTD. D/B/A MOJAVE
ELECTRIC, A NEVADA
CORPORATION; WESTERN SURETY
COMPANY, A SURETY; THE WHITING
TURNER CONTRACTING COMPANY,
A MARYLAND CORPORATION;
FIDELITY AND DEPOSIT COMPANY
OF MARYLAND, A SURETY;
TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA, A
SURETY; QH LAS VEGAS LLC, A
FOREIGN LIMITED LIABILITY
COMPANY; PQ LAS VEGAS, LLC, A
FOREIGN LIMITED LIABILITY

No. 61715

FILED

JUL 24 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

No. 65819

COMPANY; L W T I C SUCCESSOR
LLC, AN UNKNOWN LIMITED
LIABILITY COMPANY; AND FC/LW
VEGAS, A FOREIGN LIMITED
LIABILITY COMPANY,
Respondents.

*ORDER CONSOLIDATING APPEALS
AND ORDER TO SHOW CAUSE*

These are appeals from a district court preliminary injunction (Docket No. 61715) and findings of fact and conclusions of law (Docket No. 65819) in a mechanic's lien action. The parties' July 11, 2014, stipulation to consolidate these appeals, which arise out of the same action and involve some of the same parties, is approved. NRAP 3(b). The clerk of this court shall consolidate these appeals.

Further, our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) reveals a potential jurisdictional defect with respect to the appeal in Docket No. 65819. Specifically, it appears that the district court has not entered a final, written judgment adjudicating all the rights and liabilities of all the parties, for two reasons.


First, in the May 5, 2014, findings of fact and conclusions of law, the district court anticipates issuing a further order or judgment to make the conclusions effective, expressly stating that "IT IS HEREBY FURTHER ORDERED that after this Findings of Fact and Conclusions of Law is filed, the parties will submit a judgment to this effect accordingly." As a result, it does not appear that the May 5 order containing the findings of fact and conclusions of law is final and appealable. *See Ford v. Showboat Operating Co.*, 110 Nev. 752, 877 P.2d 546 (1994) (explaining

that no court rule or statute provides for an appeal from the district court's findings of fact or conclusions of law).

Second, as noted in appellant's docketing statement, claims against several parties appear to remain pending below, and the district court did not certify its order as final pursuant to NRCP 54(b). NRAP 3A(b)(1); *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000). The claims and cross-claims against the following parties appear to remain below: Tonia Tran, Michael Carvalho, Bernie Carvalho, Angelo Carvalho, and CAM Consulting, Inc. Thus, even if a judgment on the findings of fact and conclusions of law was entered, it appears that it would not finally resolve all of the claims against all of the parties.

Accordingly, appellant shall have 30 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. In responding to this order, appellant should submit documentation that establishes this court's jurisdiction including, but not necessarily limited to, copies of any district court judgment on the findings of fact and conclusions of law and orders resolving the claims against the above-named parties, and points and authorities. We caution appellant that failure to demonstrate that this court has jurisdiction may result in this court's dismissal of the appeal in Docket No. 65819. The preparation of transcripts and the briefing schedule shall remain suspended in Docket No. 61715 and shall be suspended in Docket No. 65819 pending further order of this court. Respondents may file any reply within ten days from the date that appellant's response is served.

It is so ORDERED.

 C.J.

cc: Stephen E. Haberfeld, Settlement Judge
Pezzillo Lloyd
Holley, Driggs, Walch, Puzey & Thompson/Las Vegas
Kimberly Lawson, Court Reporter