

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT HOLMES, III,

Appellant,

vs.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,

Respondent.

Case No.: 71680/72879

Electronically Filed
Sep 28 2017 08:10 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial District
Court, The Honorable Douglas E. Smith
Presiding

MOTION TO DISMISS APPEALS

Marquis Aurbach Coffing

Micah S. Echols, Esq.
Nevada Bar No. 8437
Adele V. Karoum, Esq.
Nevada Bar No. 11172
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
mechols@maclaw.com
akaroum@maclaw.com

**Las Vegas Metropolitan
Police Department**

Liesl Freedman
General Counsel
Nevada Bar No. 5309
Matthew Christian
Assistant General Counsel
Nevada Bar No. 8024
400 S. Martin Luther King Blvd.
Las Vegas, Nevada 89106
Telephone: (702) 828-4970
Facsimile: (702) 828-4973
m16091c@lvmpd.com

Attorneys for Respondent, Las Vegas Metropolitan Police Department

MAC:05166-785 3206009_1

Respondent, Las Vegas Metropolitan Police Department (“LVMPD”), by and through its attorneys of record, Marquis Aurbach Coffing, hereby moves this Court for an order dismissing these consolidated appeals for lack of jurisdiction.

On September 25, 2017, this Court issued an order consolidating and reinstating the instant appeals following the dismissal of Appellant’s bankruptcy case. However, in a related appeal, *Ferguson v. Las Vegas Metropolitan Police Department* (Case No. 73344), arising from the same District Court case, *Las Vegas Metropolitan Police Department v. U.S. Currency \$281,656.73* (Case No. 07A537416), this Court issued an order dismissing the appeal for lack of jurisdiction on August 18, 2017.¹ Specifically, the Court determined in Case No. 73344 that there was “no final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its judgment as final pursuant to NRCP 54(b). *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rae v. All American Life & Gas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979).” Bryan Ferguson, Daimon Monroe, and Appellant, Robert Holmes III, are all claimants to the forfeited property at issue in the underlying District Court case. Claims

¹ A copy of the August 18, 2017 order dismissing the appeal is attached as **Exhibit 1**.

involving Daimon Monroe remain pending below, and a final written judgment on all of the rights and liabilities of all the parties has not issued nor have the appealed orders been certified as final under NRCP 54(b).

LVMPD respectfully requests that this Court dismiss the instant appeals for the same reasons that it articulated in its August 18, 2017 order dismissing the appeal in Case No. 73344 as to Ferguson since these appeals arise from the same underlying District Court case and are subject to the same finality analysis for the lack of jurisdiction.

Dated this 28th day of September, 2017.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols

Micah S. Echols, Esq.

Nevada Bar No. 8437

Adele V. Karoum, Esq.

Nevada Bar No. 11172

10001 Park Run Drive

Las Vegas, Nevada 89145

Attorneys for Respondent, LVMPD

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO DISMISS APPEALS** was filed electronically with the Nevada Supreme Court on the 28th day of September, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

n/a

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

Robert Holmes, III
4657 Swaying Ferns Dr.
Las Vegas, Nevada 89147
Appellant in Proper Person

/s/ Leah Dell
An employee of Marquis Aurbach Coffing

Exhibit 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN MICHAEL FERGASON,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 73344

FILED

AUG 18 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

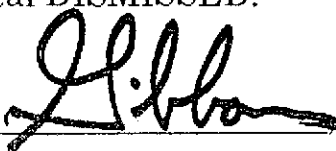
ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order granting summary judgment. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.


Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its judgment as final pursuant to NRCP 54(b). *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rae v. All American Life & Cas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979). It appears that claims by and against defendant below, Daimon Monroe, remain pending in the district court.

Accordingly, we conclude that the appeal is not from a final appealable judgment, and we lack jurisdiction. We therefore

ORDER this appeal DISMISSED.

 J.
Gibbons

 J.
Parraguirre

 J.
Stiglich

cc: Hon. Douglas Smith, District Judge
Bryan Michael Fergason
Marquis Aurbach Coffing
Liesl K. Freedman
Matthew J. Christian
Clark County District Attorney
Eighth District Court Clerk