

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUDI LEE LYTLE; AND JOHN
ALLEN LYTLE, AS TRUSTEES OF THE
LYTLE TRUST,

Appellants,

vs.

MARJORIE B. BOULDEN, TRUSTEE
OF THE MARJORIE B. BOULDEN
TRUST; LINDA LAMOTHE; AND
JACQUES LAMOTHE, TRUSTEES OF
THE JACQUES & LINDA LAMOTHE
LIVING TRUST,

Respondents.

No. 73039

FILED

JUN 22 2017

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

ORDER TO SHOW CAUSE

This is an appeal from a district court order granting a motion for partial summary judgment. Our initial review of the docketing statement and documents before this court reveals potential jurisdictional defects.

First, it appears that the portion of the order enjoining appellants is appealable under NRAP 3A(b)(3). However, it is not clear whether the remainder of the order is substantively appealable as a final judgment under NRAP 3A(b)(1). *See Lee v. GNLV, Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Although the district court found in favor of respondents on their claim for slander of title, it does not appear that the district court has entered an order resolving the associated request for special and punitive damages. Appellants assert in their docketing statement that respondents waived their claims for damages, but no such waiver has been provided to this court or is apparent from the district court's docket sheet. Accordingly, it

appears that the slander of title claim remains pending in the district court.

Second, assuming that the challenged order is substantively appealable, it appears that appellants filed a timely tolling motion in the district court on May 15, 2017, and that motion remains pending. Thus, the notice of appeal appears to have been prematurely filed. NRAP 4(a)(6).

Accordingly, appellants shall have 30 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction. Respondents may file any reply within 11 days of service of appellants' response. We caution appellants that failure to demonstrate that this court has jurisdiction may result in the dismissal of this appeal.

The deadlines to file documents in this appeal are suspended pending further order of this court.

It is so ORDERED.

Cherry, C.J.

cc: Gibbs Giden Locher Turner Senet & Wittbrodt LLP
Foley & Oakes, PC