

IN THE SUPREME COURT OF THE STATE OF NEVADA

5550 PAINTED MIRAGE RD., LLC, A
LIMITED NEVADA LIABILITY
COMPANY,

Appellant,

vs.

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, A
MINNESOTA CORPORATION,

Respondent.

No. 83413

FILED

FEB 22 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER TO SHOW CAUSE

This appears to be an appeal from an order granting a motion to enforce a settlement agreement and adjudicating attorney's liens. Preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) reveals a potential jurisdictional defect. Specifically, it is not clear whether the order appealed from is a final, appealable judgment.

Plaintiff below, R&K Concrete Cutting, Inc. d/b/a R&K Development (R&K), filed a complaint to enforce a mechanic's lien against defendant below and appellant, 5550 Painted Mirage Rd, LLC (Mirage). Mirage cross-claimed against R&K and filed third party claims against respondent Traveler's Property Casualty Company of America. R&K and Mirage dismissed the claims between them on May 17, 2021; thus, the only claims remaining were between Mirage and Travelers. It appears that Mirage and Travelers then reached a settlement, which the district court has ordered enforced, and which Mirage seeks to challenge. Mirage represents that the order is appealable as a final judgment, but nothing in the district court's order appears to dismiss Mirage's third-party claims against Travelers.

This court has explained that a district court order granting a motion to enforce a settlement agreement but failing to resolve the pending claims between the parties is not a final, appealable order under NRAP 3A(b)(1). *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment as "one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney's fees and costs), *cf. Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 444-46, 874 P.2d 729, 732-34 (1994) (a pre-dismissal order approving a settlement agreement is not a final judgment for purposes of NRAP 3A(b)(1)). Further, the district court docket entries reflect a notice of filing of an amended complaint and summons filed after entry of the district court order appealed from.

Accordingly, Mirage 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. Failure to demonstrate that this court has jurisdiction may result in this court's dismissal of this appeal. The deadlines for filing documents in this appeal shall be suspended pending further order of this court. Travelers may file any reply within 14 days from the date that Mirage's response is served.

It is so ORDERED.¹

 C.J.

¹Traveler's motion to dismiss the appeal on the ground that the notice of appeal was untimely or that the filing fee was untimely filed is denied. NRAP 4(a)(1) ("a notice of appeal must be filed after entry of a written judgment or order, and no later than 30 days after the date that written notice of entry of the judgment or order appealed from is served").

cc: Law Office of Mitchell Stipp
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