

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK J. GARDBERG, ESQ., IN HIS  
CAPACITY AS RECEIVER FOR, AND  
ACTING ON BEHALF OF, FLAMINGO-  
PECOS SURGERY CENTER, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,

Appellant,

vs.

WILLIAM D. SMITH, M.D., AN  
INDIVIDUAL; AND SHELDON  
FREEDMAN, M.D., AN INDIVIDUAL,

Respondents.

MARK J. GARDBERG, ESQ., IN HIS  
CAPACITY AS RECEIVER FOR, AND  
ACTING ON BEHALF OF, FLAMINGO-  
PECOS SURGERY CENTER, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,

Appellant,

vs.


WILLIAM D. SMITH, M.D., AN  
INDIVIDUAL; AND SHELDON  
FREEDMAN, M.D., AN INDIVIDUAL,

Respondents.

No. 83556

**FILED**

JAN 06 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

No. 83805

*ORDER TO SHOW CAUSE*

Docket No. 83556 is an appeal from district court order granting summary judgment. Docket No. 83805 is an appeal from a district court order granting attorney fees and costs. Initial review of the docketing statements and documents before this court reveals potential jurisdictional defects.

Appellant asserts the orders on appeal in Docket No. 83556 are appealable as final judgments. See NRAP 3A(b)(1) (allowing appeals from

a final judgment). “[A] final judgment is 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.” *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Appellant’s amended complaint asserted nine causes of action against respondents. However, the orders challenged on appeal, and the findings of fact, conclusions of law entered on August 5, 2021, only resolve the “remaining claims” against respondents. Appellant does not identify any written, file-stamped order that finally resolves the other causes of action against these parties. And appellant fails to provide a complete response to docketing statement item 23, which requires appellant to specify the date of formal disposition of each claim. Accordingly, it appears that the district court has not yet entered a final judgment appealable under NRAP 3A(b)(1). It further appears that no other statute or court rule allows an appeal from the orders challenged on appeal in Docket No. 83556. *See Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court “may only consider appeals authorized by statute or court rule”).

Appellant asserts that the orders challenged on appeal in Docket No. 83805 are also appealable as final judgments. But the orders do not finally resolve any of the causes of action asserted in the amended complaint. They are thus not appealable as final judgments. This court also notes that there may only be one final judgment in an action. *Alper v. Posin*, 77 Nev. 328, 331, 363 P.2d 502, 503 (1961) *overruled on other grounds by Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000). To the extent appellant asserts the orders are appealable as special orders after final judgment, *see* NRAP 3A(b)(8), in the absence of a final judgment, there can be no special order after final judgment.

Accordingly, appellant shall have 30 days from the date of this order to show cause why these appeals should not be dismissed for lack of jurisdiction. In responding to this order, in addition to points and authorities, appellant should provide this court with a copy of any written, file-stamped district court order finally resolving the other claims against respondents. Respondents may file any reply within 14 days of service of appellant's response. Failure to demonstrate that this court has jurisdiction may result in the dismissal of these appeals.

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

It is so ORDERED.

 C.J.

cc: Iqbal Law, PLLC  
Cook & Kelesis