

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

APR 27 2022

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

No. 83805

ORDER TO SHOW CAUSE

This court previously ordered appellant to show cause why these appeals should not be dismissed for lack of jurisdiction. Specifically, it appeared that the district court has not entered any written, file-stamped

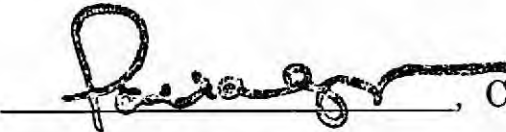
order finally resolving the causes of action against respondents that were not resolved in the orders challenged on appeal or the findings of fact, conclusions of law entered on August 5, 2021. It thus appeared that the district court had not yet entered a final judgment appealable under NRAP 3A(b)(1). In response, appellant now asserts that these claims were resolved in a December 8, 2017, notice of entry of order. No claims are resolved in a notice of entry of order. To the extent appellant asserts that the claims were resolved in the December 7, 2017, order regarding motions to dismiss that is referenced in the notice of entry of order, that order resolves claims against respondent Sheldon Freedman. However, the order does not refer to respondent William Smith and it does not appear that Smith filed a motion to dismiss or a joinder to any motion to dismiss. It further appears that Smith did not make an appearance in the district court proceedings until after entry of the December 7, 2017, order. Accordingly, it appears the December 7, 2017, order does not resolve any claims against Smith, and claims against him remain pending in the district court.

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. Appellant may cure the perceived jurisdictional defect by obtaining a written, file-stamped, district court order finally resolving the claims for negligent hiring, negligent supervision, negligent retention, and breaches of NRS Chapter 86 against William Smith. 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. *See Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking

to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction.”).

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

It is so ORDERED.

 C.J.

cc: Iqbal Law, PLLC
Cook & Kelesis