IN THE SUPREME COURT OF THE STATE OF NEVADA

STONEWEAR, INC., A NEVADA CORPORATION,
Appellant,
vs.
LOCKHEED PARTNERS, LLC, A NEVADA LIMITED LIABILITY COMPANY AND SIERRA LEASING, INC., A NEVADA CORPORATION,
Respondents.

No. 44670

FILED

FEB 11 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

On February 11, 2005, appellant filed with the clerk of this court a copy of its notice of appeal filed in the district court on February 9, 2005. Appellant also filed a document entitled "Emergency Hearing Pursuant to NRAP Rules No. 2 and 25.2(b)& (c)." [1]

Attached to appellant's notice of appeal is a document which states that appellant appeals from: (1) the district court's "denial on February 3, 2005, of [appellant's] Application for Stay of Execution . . . pending the [district] court's disposition of [appellant's] Motion to Set Aside and Vacate the District Court's [November 18, 2004] Order for

[1]This court has not yet received a certified copy of appellant's notice of appeal from the district court clerk. See NRAP (3)(e) (upon the filing of the notice of appeal, the clerk of the district court shall immediately certify and transmit copies of the notice of appeal and other documents to the clerk of the Supreme Court); NRAP 12(a) (upon receipt of copies of the notice of appeal and other documents from the district court clerk, the clerk of the Supreme Court shall docket the appeal). Appellant's appeal has nevertheless been docketed in this court.

05-02853

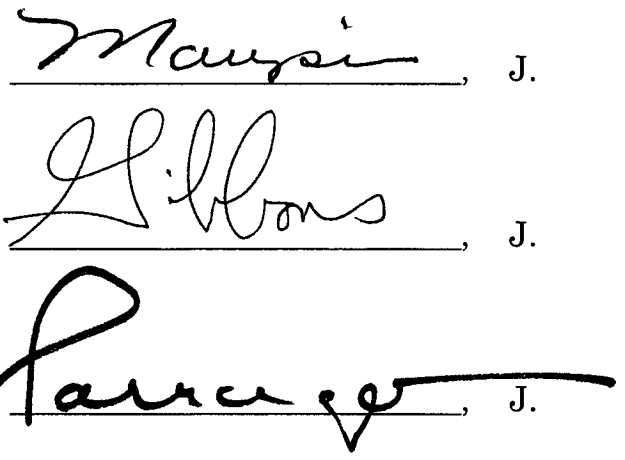
Default Judgment . . . pursuant to the provisions of NRCP 60(b)(1) and (2)"; and (2) the district court's refusal to schedule an ex parte hearing on appellant's application for a stay. Appellant further explains that the district court's February 3, 2005, denial of its application for a stay of execution and for an ex parte hearing was a "telephonic" denial and that, to date, no written order has been entered.

Generally, an appeal may be taken to this court only "from a final judgment in an action or proceeding commenced in the court in which the judgment is rendered." NRAP 3A(b)(1). A final judgment is a *written* order or judgment that finally resolves all claims against all parties to an action, and leaves nothing for the future consideration of the district court, except post-judgment issues such as attorney fees or costs. See Lee v. GNLV, 116 Nev. 424, 996 P.2d 416 (2000). The right to appeal to this court is statutory; if no statute or court rule provides for an appeal, no right to appeal exists. See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975).

We note, initially, that appellant did not appeal the district court's November 18, 2004, "Order for Default Judgment." We further note that, to date, the district court has not ruled upon appellant's NRCP 60(b) motion to set aside and vacate the default judgment. Finally, this court is unaware of any statute, rule or other authority permitting an appeal from a decision of the district court – written or telephonic – that denies an application for stay of execution of a judgment and denies of a request for an ex parte hearing. Accordingly, we conclude that we lack jurisdiction, and we dismiss this appeal. Further we deny, as moot, any

requests for relief set forth in the document entitled "Emergency hearing Pursuant to NRAP Rules No. 2 and 25.2(b)& (c)."

It is so ORDERED.



_____, J.

_____, J.

_____, J.

cc: Hon. Carl J. Christensen, Senior Judge
Craig K. Perry
Allison, MacKenzie, Russell, Pavlakis, Wright & Fagan, Ltd.
Carson City Clerk