

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: RECEIVERSHIP OF  
SOUTHWEST EXCHANGE, INC., AND  
CONSOLIDATED LITIGATION.

No. 55505

P.J. DEMARIGNY,  
Appellant,

vs.

MICHAEL MCCORMICK; DEBORAH  
MCCORMICK; ERIC G. TARR TRUST I  
DATED MAY 4, 1990; LEONARD  
SHAPIRO; TIC PRATT 17, LLC;  
HARBOR INVESTMENT GROUP, LLC;  
KERSTAN MICONE; MICHAEL  
MICONE; WAYNE ALBRITTON;  
GRETA ALBRITTON; BRIGITE LAND  
MANAGEMENT, LLC; D&D  
INVESTMENT CO.; LARRY WALLACE;  
4 EVER ACES, INC.; P&D KELESIS,  
LLC; RANDY CHAR; MELDRUM  
FAMILY TRUST; GERALD B.  
CAMPBELL TRUST U/A/D; GERALD B.  
CAMPBELL; CAROLE CAMPBELL;  
NAPA VALLEY I, LLC; AND NAPA  
VALLEY II, LLC,  
Respondents.

**FILED**

**DEC 09 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court judgment in a torts, contract, and civil RICO action. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Because it was unclear from our preliminary review of the docketing statement and the NRAP 3(g) documents whether the district court had entered a final, written judgment adjudicating all of the parties' rights and liabilities, this court entered an order directing appellant to

show cause why this appeal should not be dismissed for lack of jurisdiction. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

Appellant timely responded to the show cause order, indicating that claims against at least one defendant appear to remain pending in the district court. Appellant states, however, that he has not been able to verify whether those claims or others actually remain unresolved because the consolidated district court cases are complex and consist of multiple plaintiffs and defendants. According to appellant, the receiver in the underlying matters has indicated that a final judgment would be entered by the end of the year, and he asks this court to defer ruling on jurisdiction until January 31, 2011, by which time he anticipates curing any jurisdictional defects.<sup>1</sup> Certain respondents have replied, stating that the appeal is premature, as claims against some defendants remain pending and no final judgment has been entered. They ask this court to dismiss the appeal and to sanction appellant under NRAP 38 for filing a frivolous appeal.

Having considered the response and replies, we conclude that the appeal is premature. Because appellant is unsure about when a final

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<sup>1</sup>In his original, October 28, 2010, response, appellant asked for an additional 60 days to determine whether appellate jurisdiction exists or for “alternative relief clarifying the status of the particular judgments appealed” by way of a Huneycutt motion. See Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978). Respondents replied, contending that Huneycutt does not provide for the type of relief appellant seeks. Appellant then filed a reply to respondents’ reply on November 9, 2010, asking for the January 31, 2011, deferral. He appears to have abandoned his Huneycutt request.

judgment will be entered and even which claims and defendants remain in the district court action, dismissal is appropriate. NRAP 4(a)(6). Once a final judgment is entered, any aggrieved party may file a notice of appeal in accordance with NRAP 3A and NRAP 4. Accordingly, we

ORDER this appeal DISMISSED.<sup>2</sup>

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Stephen E. Habermeld, Settlement Judge  
Michael R. Pontoni  
Bailus Cook & Kelesis  
Greenberg Traurig, LLP  
Holland & Hart LLP/Las Vegas  
McCullough, Perez & Associates, Ltd.  
Eighth District Court Clerk

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<sup>2</sup>Respondents' request for sanctions is denied.