

IN THE SUPREME COURT OF THE STATE OF NEVADA

KB HOME NEVADA INC., A NEVADA CORPORATION,

Appellant,

vs.

DUNRITE CONSTRUCTION, INC., A NEVADA CORPORATION; AND RIVER

MOUNTAIN DRYWALL, INC., A

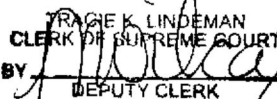
NEVADA CORPORATION,

Respondents.

No. 65228

FILED

MAR 26 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

On November 18, 2014, we remanded this case to the district court for the limited purpose of addressing whether the appealed summary judgment, certified as final under NRCP 54(b), was intended to resolve respondent Dunrite Construction, Inc.'s third-party claims and, if so, to expressly enter judgment on those claims. NRCP 54(b) certification is not proper, the order explained, in the absence of the complete removal of a party from the action, *Mallin v. Farmers Ins. Exch.*, 106 Nev. 606, 610-11, 797 P.2d 978, 981 (1990), and the summary judgment here did not appear to completely remove any party from the action. Appellant KB Home Nevada Inc. was directed to file a status report concerning the district court proceedings within 30 days from the limited remand.

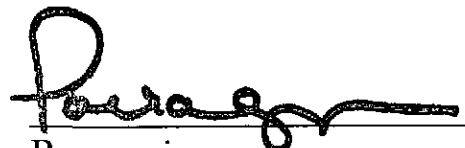
In its December 19, 2014, status report, KB Home agreed that some of the third-party claims have not yet been formally resolved, specifically, those pertaining to Big Bear Concrete, D&L Framing LLC,<sup>1</sup>

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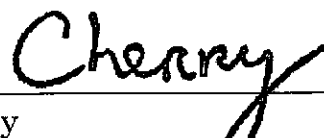
<sup>1</sup>Although KB Home asserts that defaults were entered by the district court clerk against Big Bear Concrete and D&L Framing, it has not demonstrated that default judgments or any other dispositive order has been entered against those third-party defendants, and thus, the claims against them remain pending as well.

Western Casework Corp.; Robert's Roof and Floor, Inc.; Desert Specialties Building & Design, River Mountain Drywall, Inc.; Gypsum Construction Inc., Henri's Specialties Co., Inc.; Big Town Mechanical, LLC; Southern Nevada Framers, Inc.; Western States Framing, Inc.; and Highway Technologies, Inc.<sup>2</sup> KB Home informed this court that it has been and is continuing to work with Dunrite in an effort to resolve these claims expeditiously and that it will file an updated status report when the issues have been resolved. To date, however, no further report has been filed. Nor is there any indication that the parties have brought this matter before the district court.

Therefore, as no final judgment has been entered and the district court's summary judgment was not properly certified as final under NRCP 54(b), we lack jurisdiction. NRAP 3A(b)(1). Accordingly, we  
ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

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<sup>2</sup>While KB Home's status report does not list Highway Technologies, it does not appear that the third-party claims against it have been resolved. It is unclear whether all of the third-party defendants listed above have been served with process. *See Rae v. All Am. Life & Cas. Co.*, 95 Nev. 920, 922, 605 P.2d 196, 197 (1979).

cc: Eighth Judicial District Court, Dept. 19  
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