

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVAD KAVIANI,
Appellant,
vs.
FATEMEH VAZIRI,
Respondent.

No. 66968

FILED

JUN 01 2015

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

ORDER DISMISSING APPEAL

This is an appeal from a family court “Order on Plaintiff’s Motion for Declaratory Judgment Regarding Marital Status” and an “Amended Order on Plaintiff’s Motion for Declaratory Judgment Regarding Marital Status.” Eighth Judicial District Court, Clark County; Gayle Nathan, Judge.

Respondent has moved to dismiss this appeal for lack of jurisdiction, asserting that the district court has not yet entered a final order. Appellant opposes the motion and appears to argue that this court has jurisdiction over this appeal because it is “intertwined” with a related family court case.


Having considered the parties’ arguments and the documents before this court, we grant the motion to dismiss. As appellant seems to recognize in his opposition, several claims remain pending in the district court—respondent’s claims against Arya Homes, LLC, KIC Funding, LLC, and PARS Family Limited Partnership, and appellant’s third-party complaint against Samir Abdollahzadeh and Nev. SC, LLC. Thus, neither of the challenged orders are final judgments. *Lee v. GNLV Corp.*, 116 Nev. 424, 995 P.2d 416 (2000) (a final judgment is one that resolves all claims as to all parties); *see also* NRS 30.090 (declaratory judgments “may be

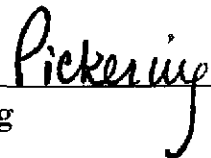
reviewed as other orders, judgments and decrees”). And although the family court certified its November 14, 2014, amended order as final, the certification was improper because the order was not amenable to 54(b) certification where it did not completely remove a party from the action. See *Taylor Constr. Co. v. Hilton Hotels, Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (stating that a court cannot create finality through NRCP 54(b) certification when an order is not amenable to certification).

Because no final judgment has been entered in this matter, the amended order was not properly certified under NRCP 54(b), and it does not appear that any other statute or court rule allows for this appeal, see NRAP 3A(b) (listing orders and judgments from which an appeal may be taken); see also *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (noting that this court generally has authority to consider an appeal only when authorized by statute or court rule), we conclude that we lack jurisdiction and

ORDER this appeal DISMISSED.¹


_____, J.
Saitta


_____, J.
Gibbons


_____, J.
Pickering

¹Given this dismissal, appellant’s motions to consolidate this appeal with the appeals in Docket Nos. 66978 and 67156 and “stay” the requesting of transcripts are denied as moot.

cc: Family Court, Dept. T
Hon. Jennifer Togliatti, Chief Judge
Robert Gaston, Settlement Judge
Neil J. Beller, Ltd.
Brennan Legal Counsel Group, PLLC
Eighth District Court Clerk