

IN THE SUPREME COURT OF THE STATE OF NEVADA

LANDRY'S, INC., A DELAWARE
CORPORATION; AND CARNOSO, INC.,
A DELAWARE CORPORATION,

Appellants,

vs.

JK GROUP, LLC, A NEVADA LIMITED
LIABILITY COMPANY,

Respondent.

No. 68387

FILED

DEC 08 2015

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

ORDER DISMISSING APPEAL

This is an appeal from an amended judgment on jury verdict and an order denying a motion for judgment as a matter of law or for new trial. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

When our review of the docketing statement and documents submitted to this court revealed a potential jurisdictional defect, we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it did not appear that the amended judgment was appealable as a final judgment because it did not resolve respondent's claims for breach of the implied covenant of good faith and fair dealing or the counterclaim for unjust enrichment.

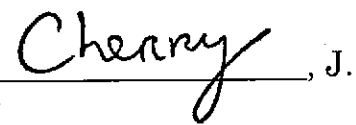
In response, appellants have submitted a district court order that it asserts resolves the counterclaim for unjust enrichment. Appellants also contend that the original judgment resolved respondent's claim for breach of the implied covenant of good faith and fair dealing and that that judgment was not disturbed by the amended judgment. We disagree. Respondent asserted claims of breach of the implied covenant of good faith and fair dealing against both appellants. However, neither the original nor amended judgment resolved the claim for breach of the

implied covenant of good faith and fair dealing against Carnoso, Inc. Thus, even if the claim was resolved as against Landry's, Inc., appellants fail to demonstrate that the claim was resolved as against Carnoso, Inc. Accordingly, we conclude that the amended judgment does not resolve all claims asserted in the district court and is not a final judgment appealable under NRAP 3A(b)(1), *see Lee v. GNLV, Corp.*, 116 Nev. 424, 996 P.2d 416 (2000) (defining a final judgment as one that "disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney's fees and costs"); *see also Reno Hilton Resort Corp. v. Verderber*, 121 Nev. 1, 106 P.3d 134 (2005) (concluding that NRAP 3A(b)(2) does not permit an appeal from an interlocutory order denying a motion for a new trial), and we

ORDER this appeal DISMISSED.


Parraguirre, J.


Douglas, J.


Cherry, J.

cc: Hon. Jerry A. Wiese, District Judge
Janet Trost, Settlement Judge
Greenberg Traurig, LLP/Las Vegas
Joseph Y. Hong
Eighth District Court Clerk