

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE O'CONNOR BEARD, AS HEIR  
OF JOSEPH O'CONNOR BEARD,  
DECEASED, A MINOR,

Appellant,

vs.

MARYANN J. JOHNSON; AND JAMES  
AND ELAINE JENSEN, INDIVIDUALLY  
AND AS OWNERS OF JENSEN MOBILE  
HOME PARK,

Respondents.

No. 36554

**FILED**

NOV 09 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order granting an NRCP 12(b)(5) motion in favor of two defendants in a wrongful death case.<sup>1</sup> Our review of the record on appeal reveals a jurisdictional defect. Specifically, it appears that the district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its order granting the Jensens' NRCP 12(b)(5) motion as final pursuant to NRCP 54(b).<sup>2</sup> See *Rae v. All American Life & Cas. Co.*, 95 Nev.

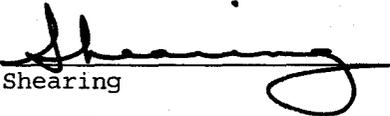
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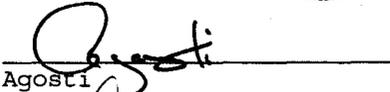
<sup>1</sup>We direct the clerk of this court to amend the caption on this court's docket so that it is consistent with the caption on this order.

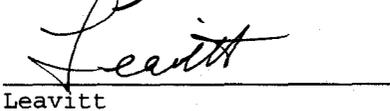
<sup>2</sup>Based upon the record on appeal, it is not apparent whether NRCP 54(b) certification of the order would be appropriate. NRCP 54(b) certification is not proper when the claims asserted in an action are so closely related that this court would necessarily decide important issues pending below in order to decide the issues appealed. See *Mallin v. Farmers Insurance Exchange*, 106 Nev. 606, 797 P.2d 978 (1990); *Hallicrafters Co. v. Moore*, 102 Nev. 526, 728 P.2d 441 (1986). The determinations made pursuant to NRCP 54(b) are matters to be considered carefully by the district court and should not be  
(Continued...)

920, 605 P.2d 196 (1979). Appellant's NRS 41.085 wrongful death claims against Maryann J. Johnson appear to remain unresolved below. Accordingly, as we lack jurisdiction, we

ORDER this appeal dismissed.<sup>3</sup>

  
Shearing J.

  
Agosti J.

  
Leavitt J.

cc: Hon. James W. Hardesty, District Judge  
Lemons Grundy & Eisenberg  
George O'Conner Beard  
Maryann J. Johnson  
Nye County Clerk

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(...Continued)

entered routinely or as an accommodation to counsel or the litigants.

<sup>3</sup>If the district court should properly certify the order granting the Jensens' NRCP 12(b)(5) motion pursuant to NRCP 54(b), appellant can appeal from the NRCP 12(b)(5) order at that time in accordance with the deadlines specified in NRAP 4(a). Should the district court deny certification pursuant to NRCP 54(b), or in the event NRCP 54(b) certification is never sought or is improper, appellant can raise his challenge to the NRCP 12(b)(5) order in a timely appeal from a final judgment.

We have considered the additional relief requested by appellant in his notice of appeal and have determined that, in light of this order, no further relief is warranted at this time.