

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL J. BEIERSCHMITT, AN
INDIVIDUAL,

Appellant,

vs.

KIRK SHAWN SMITH, D.O., AN
INDIVIDUAL,

Respondent.

No. 74732

FILED

MAR 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order in a medical malpractice action, dismissing appellant's sixth cause of action against respondent regarding informed consent. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

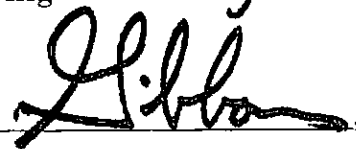
On February 1, 2018, this court entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction based on the lack of a final appealable judgment and noting that the order appealed from does not appear to be amenable to NRCP 54(b) certification. *See 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). Appellant has responded to our order and informs this court that the parties have stipulated to stay the underlying proceedings pending this court's resolution of the appeal, and to dismiss the action if this court affirms. Appellant proposes that this arrangement cures any concerns this court may have with conducting piecemeal litigation.¹ We conclude that

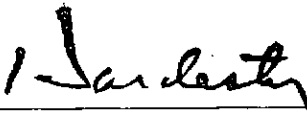
¹We note that no NRCP 54(b) certification appears in the order appealed from or in appellant's response to the order to show cause.

this appeal is jurisdictionally defective. Until all claims against all parties to the case are finally resolved, no final, appealable judgment has been entered. *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000). NRCP 54(b) no longer permits the district court to direct the entry of a final judgment as to one or more but fewer than all of the claims in a multiple-claim case. Appellant's response to our order concedes that the order appealed from did not completely remove a party. Thus, the order is not amenable to certification under NRCP 54(b). We lack jurisdiction, and we

ORDER this appeal DISMISSED.


_____, J.
Pickering


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Linda Marie Bell, District Judge
Stephen E. Haberfeld, Settlement Judge
Sgro & Roger
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
John H. Cotton & Associates, Ltd.
Eighth District Court Clerk