

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARINDA R. SELLERS, AN  
INDIVIDUAL; AND RICHARD E.  
SELLERS, AN INDIVIDUAL,  
Appellants,  
vs.  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,  
Respondent.

No. 84905

FILED

OCT 12 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *Elizabeth A. Brown*  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order granting summary judgment in a judicial foreclosure action. Eighth Judicial District Court, Clark County; Veronica Barisich, Judge. Respondent Federal National Mortgage Association (Fannie Mae) argues that we lack jurisdiction over this appeal. We agree.<sup>1</sup>

We previously ordered appellants Clarinda and Richard Sellers to show cause why this appeal should not be dismissed for lack of jurisdiction, pointing out that their notice of appeal designated a nonappealable May 22, 2022, order denying a motion to alter or amend. See NRAP 3A(b) (listing appealable orders). In response, the Sellers clarified that they intended to appeal a March 3, 2022, order granting summary judgment for Fannie Mae and that the order designated in the notice of

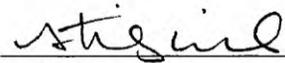
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<sup>1</sup>Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted.

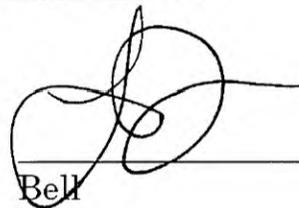
appeal resolved a tolling motion. Based on those representations, we entered an order allowing this appeal to proceed.<sup>2</sup>

Having considered the argument in Fannie Mae's answering brief and reviewed the record, however, it is apparent that the March 3, 2022, order is not a final judgment because it did not dispose of all the issues presented in the case. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) ("[A] final judgment is 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."). In particular, that order expressly left open the issue of Fannie Mae's damages. The district court subsequently resolved that issue in a judgment entered on May 3, 2022, which awarded damages to Fannie Mae. Thus, the May 3, 2022, judgment is the final, appealable judgment in this matter. Because appellants did not file a timely notice of appeal from that final judgment, *see* NRAP 4(a), and because appellants' March 31, 2022, motion to alter or amend the summary judgment order cannot be construed to toll the time to appeal from the subsequently entered May 3, 2022, judgment, we lack jurisdiction over this appeal. Accordingly, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Stiglich

  
\_\_\_\_\_, J.  
Lee

  
\_\_\_\_\_, J.  
Bell

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<sup>2</sup>Although the show cause order allowed Fannie Mae to file a response, the order allowing the appeal to proceed was filed before Fannie Mae's time to respond expired.

cc: Hon. Veronica Barisich, District Judge  
Kristine M. Kuzemka, Settlement Judge  
Law Office of Corey B. Beck, P.C.  
Akerman LLP/Las Vegas  
McCarthy & Holthus, LLP/Las Vegas  
Fennemore Craig P.C./Reno  
Eighth District Court Clerk