


IN THE SUPREME COURT OF THE STATE OF NEVADA

BDJ INVESTMENTS, LLC,  
Appellant,  
vs.  
THE BANK OF NEW YORK MELLON,  
F/K/A THE BANK OF NEW YORK AS  
TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF THE  
CWALT, INC., ALTERNATIVE LOAN  
TRUST 2005-84, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES  
2005-84,  
Respondent.

No. 85576

FILED  
MAR 04 2024  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order granting a motion for summary judgment in a judicial foreclosure matter. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

This court twice ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, the summary judgment order is not an appealable final judgment because it does not resolve all claims between all parties in the underlying proceedings. *See* NRAP 3A(b)(1); *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). To the extent the district court purported to certify the summary judgment order as final under NRCP 54(b), the certification appeared improper because the summary judgment order does not render any monetary judgment for the plaintiff as required by NRS 40.430(1) and thus does not fully resolve the judicial foreclosure claim between the parties. Accordingly, the order is not amenable to certification under NRCP 54(b). *See Taylor Const. Co. v. Hilton Hotels Corp.*, 100 Nev.


207, 209, 678 P.2d 1152, 1153 (1984). This court explained that appellant could resolve the jurisdictional defect by obtaining a district court order resolving the remaining claims in this action, *see* NRAP 4(a)(6), or by obtaining a district court order properly certifying a later order, entered on January 28, 2022, as final pursuant to NRCP 54(b).

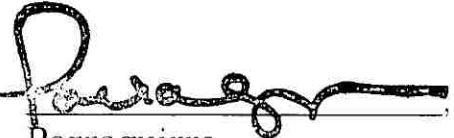
Appellant has filed a response stating, without supporting argument or citation to authority, that it disagrees that this court lacks jurisdiction. However, appellant also represents that it would be a “waste of judicial resources to pursue this appeal given this Court’s identification of the issues with the existing judgment.” Appellant does not indicate that it has obtained a district court order resolving the jurisdictional defect. Respondent has replied, arguing that this court lacks jurisdiction.

Appellant fails to demonstrate that the challenged order is substantively appealable. *See Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction.”); *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court “may only consider appeals authorized by statute or court rule”). Accordingly, we

ORDER this appeal DISMISSED.

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

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Timothy C. Williams, District Judge  
Eleissa C. Lavelle, Settlement Judge  
Black & Wadhams  
Akerman LLP/Las Vegas  
Eighth District Court Clerk