

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY GREENWOOD AND GINA
GREENWOOD,

Appellants,

vs.

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR LEHMAN XS
TRUST MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-12N;
GULF HARBOUR INVESTMENTS
CORP.; SPECIALIZED LOAN
SERVICING, LLC; AND AFFINIA
DEFAULT SERVICES, LLC,
Respondents.

No. 90080

FILED

MAY 06 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an interlocutory district court order dismissing appellants' second amended counterclaims and third-party claims for failure to state a claim upon which relief can be granted, as moot, and for lack of subject matter jurisdiction. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

Respondent U.S. Bank National Association has moved to dismiss the appeal for lack of jurisdiction, pointing out that the appealed order does not finally resolve the action because its claim against appellants remains pending and NRCP 54(b) certification was not sought or granted. Respondents Gulf Harbour Investments Corp. and Specialized Loan Servicing, LLC, have filed a joinder to the motion. Appellants oppose dismissal, arguing that the order is appealable because it dismisses their third-party claim for injunctive relief and thus effectively refuses to grant an injunction, bringing it within the scope of NRAP 3A(b)(3), which allows for appeals from orders "granting or refusing to grant an injunction or dissolving or refusing to dissolve an injunction." U.S. Bank filed a reply,

citing, as it did in its motion, *De Luca Importing Co. v. Buckingham Corp.*, 90 Nev. 158, 520 P.2d 1365 (1974).

In *De Luca*, this court concluded that it lacked jurisdiction over an appeal from a district court order dismissing portions of a complaint seeking injunctive relief because the order did not finally resolve the matter, even though it had jurisdiction over the appeal as to a separate order denying a motion for a preliminary injunction. *Id.* at 159, 520 P.2d at 1366; see NRAP 3A(b)(1), (3). This appeal is indistinguishable as to the dismissal order: the district court's order dismissing the counterclaims and third-party claims is not final and appealable because U.S. Bank's claim remains pending. *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Moreover, the district court did not consider a request for and refuse to grant injunctive relief. Rather, the claim for injunctive relief was dismissed as moot. See *Peccole v. City of Las Vegas*, No. 71550, 2016 WL 6662274 (Nev. Nov. 10, 2016) (concluding that an interlocutory order dismissing a complaint for injunctive relief was not final and appealable); *Day Inv. Grp., LLC v. Dauch*, No. 05-20-00625-CV, 2021 WL 1526393, at *1 (Tex. App. Apr. 19, 2021) (explaining that an interlocutory order dismissing claims, including one for temporary injunctive relief, was not appealable as an order denying a request for a temporary injunction). Accordingly, we lack jurisdiction over this appeal. The motion is granted, and we

ORDER this appeal DISMISSED.

Pickering, J.
Pickering

Cadish, J.
Cadish

Lee, J.
Lee

cc: Hon. Nathan Tod Young, District Judge
Millward Law, Ltd.
Ballard Spahr LLP/Las Vegas
Affinia Default Services, LLC
Wright, Finlay & Zak, LLP/Las Vegas
Douglas County Clerk