

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHERI M. KING,  
Appellant,  
vs.  
TEDD ANTHONY MILLER,  
Respondent.

No. 49535

**FILED**

NOV 19 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Anderson*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from the district court's findings of fact, conclusions of law, and decree of divorce. On October 1, 2007, this court entered an order of limited remand, pursuant to Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978), based on the certification of the district court that "it would be inclined to grant [appellant's] Motion to Amend Judgment or In the Alternative Grant New Trial."

On January 11, 2008, pursuant to this court's order, appellant filed a "Report on Remand Status." Attached to the status report was a "Decision" dated December 20, 2007, in which the district court stated that "*if this matter were remanded*, it would be inclined to grant [appellant's] Motion in part and deny it in part." (Emphasis added.) The decision then specifically detailed how the district court would be inclined to resolve appellant's motion on remand.

On March 20, 2008, this court entered an order reiterating and clarifying that this matter had already been remanded to the district court on October 1, 2007, pursuant to the district court's Huneycutt certification. We further noted that "our order of remand did not require the district court to enter an interim decision setting forth how it is inclined to rule upon appellant's motion." Our March 20, 2008, order then

directed the district court to “conduct proceedings and enter an order fully resolving appellant’s motion.”

On April 7, 2008, respondent filed a response requesting that his cross-appeal be dismissed. Thereafter, on April 23, 2008, appellant filed a status report indicating that the district court “issued its ruling” on remand and that “[t]here remains an issue on Appeal and the parties will be seeking to reach a settlement.” Accordingly, on May 14, 2008, this court entered an order dismissing respondent’s cross-appeal and reinstating briefing in appellant’s appeal.

On September 22, 2008, respondent filed a “Motion for an Order Clarifying the Remand Status of Action; Motion to Stay Briefing or Extend Time for Filing of Respondent’s Brief, or in the Alternative Motion to Dismiss Appeal.” The motion is unopposed.

In the motion, respondent indicates that on May 6, 2008, the district court entered a written order, pursuant to our March 20, 2008, remand order, which vacated a portion of the divorce decree but left, unresolved, various provisions related to the value of the marital residence.<sup>1</sup> Thus, it appears that there has not been a final judgment entered which resolves all of the issues pending in the district court.<sup>2</sup>

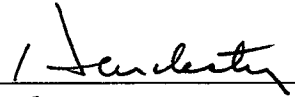
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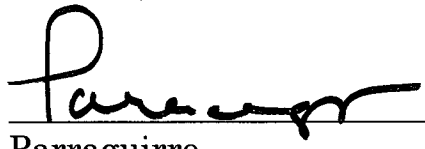
<sup>1</sup>In particular, respondent was directed to obtain an appraisal of the marital residence showing the value of the residence on the date it was transferred into Joint Tenancy. Further, the district court ordered that “within sixty (60) days after the case is Remanded back to District Court, the residence will be either refinanced or sold.”

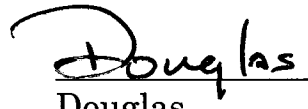
<sup>2</sup>See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000) (holding that an order that resolves less than all of the claims or the rights and liabilities of all the parties in an action is not appealable as a final judgment absent proper NRCP 54(b) certification by the district court).

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.<sup>3</sup> No statute or rule authorizes an appeal from an interlocutory order in a divorce proceeding. Accordingly, as we lack jurisdiction to consider this appeal, we grant respondent's unopposed alternative motion to dismiss, and we

ORDER this appeal DISMISSED.<sup>4</sup>

, J.  
Hardesty

, J.  
Parraguirre

, J.  
Douglas

cc: Hon. Stefany Miley, District Judge, Family Court Division  
Robert E. Gaston, Settlement Judge  
Albright Stoddard Warnick & Albright  
Smith Forsberg  
Eighth District Court Clerk

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<sup>3</sup>Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

<sup>4</sup>Respondent's "Motion to Stay Briefing or Extend Time for Filing of Respondent's Brief," and appellant's "Motion for Extension of Time to File Appellant's Reply Brief" are denied as moot.