

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK WHITE CUSTOM HOMES, A  
NEVADA CORPORATION; AND JACK  
WHITE, AN INDIVIDUAL,

Appellants,

vs.

HERBERT M. BURRIDGE, AN  
INDIVIDUAL; VIRGINIA M.  
BURRIDGE, AN INDIVIDUAL; AND  
MCGUIRE MURRAY LIMITED  
PARTNERSHIP, A NEVADA LIMITED  
PARTNERSHIP,

Respondents.

No. 49697

**FILED**

OCT 22 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion to reinstate a mechanic's lien, reinstate a lis pendens and/or require the posting of a supersedeas bond. Ninth Judicial District Court, Douglas County; Michael P. Gibbons, Judge.

Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect. Specifically, it appeared that the district court's order might not be substantively appealable.<sup>1</sup> This court has jurisdiction to consider an appeal only when the appeal is authorized by

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<sup>1</sup>See NRAP 3A(b).

statute or court rule.<sup>2</sup> No statute or court rule authorizes an appeal from an order denying a motion to reinstate a mechanic's lien, reinstate a lis pendens and/or require the posting of a supersedeas bond. In particular, it does not appear that the designated order is appealable as a special order after final judgment as the order does not affect or alter the rights of a party arising out of the final judgment—it appears to have left the final judgment and the parties' rights intact.<sup>3</sup> Accordingly, we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction.

Appellants have filed a response to the show cause order, and respondents have filed a reply to that response. Having reviewed these documents, we conclude that the order being appealed is not a special order after final judgment, and therefore we lack jurisdiction to consider this appeal.<sup>4</sup> Accordingly, we

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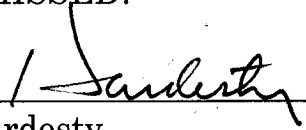
<sup>2</sup>Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

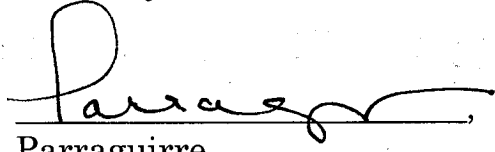
<sup>3</sup>Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002) (defining a special order after final judgment for purposes of NRAP 3A(b)(2)).


<sup>4</sup>Pending in this appeal are a motion to transfer transcripts from related appeals to this appeal, a countermotion to compel the filing of separate transcripts in this appeal, and an "Application for Approval of a Supersedeas Bond or Such Other Security or Relief as the Court Deems Proper." In light of the dismissal of this appeal, we deny these pending requests as moot. There are also pending requests for sanctions against appellants' counsel. We have considered the requests and conclude that sanctions are not warranted. Accordingly, we deny the requests. Finally, appellants request that if we dismiss this appeal, we deem the "Application for Approval of a Supersedeas Bond or Such Other Security or Relief as the Court Deems Proper" as being filed in the related appeals

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ORDER this appeal DISMISSED.

, J.  
Hardesty

, J.  
Parraguirre

, J.  
Douglas

cc: Hon. Michael P. Gibbons, District Judge  
Sullivan Law Offices  
Kelly R. Chase  
Douglas County Clerk

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*... continued*

in Docket Nos. 46662 and 47612. We deny appellants' request. If appellants believe such an application should be filed in the related appeals, they shall file it directly in those appeals. However, we caution appellants that it appears that such an application lacks merit.