

IN THE SUPREME COURT OF THE STATE OF NEVADA

MONTIE MILNER; AND SUZANNE  
MILNER,  
Appellants,  
vs.  
RECONTRUST COMPANY, INC.; BAC  
HOME LOANS SERVICING, LP; AND  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,  
Respondents.

No. 58957

**FILED**

**MAY 10 2012**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting in part a petition for judicial review arising from the foreclosure mediation program, awarding sanctions for respondents' bad faith, and remanding the matter for additional mediation. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.


When our preliminary review of the docketing statement and the NRAP 3(g) documents revealed a potential jurisdictional defect, we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, because the order remands for additional mediation, it was unclear whether the order is appealable as a final judgment. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). Appellants timely responded, arguing that the order is final despite the remand because the district court did not direct the mediator to reconsider the matter under a corrected standard or to make additional findings, but rather simply ordered a new mediation.


"As a general rule, an order by a district court remanding a matter to an administrative agency is not an appealable order unless the order constitutes a final judgment." Ayala v. Caesars Palace, 119 Nev. 232, 235, 71 P.3d 490, 492 (2003); see generally State, Taxicab Authority

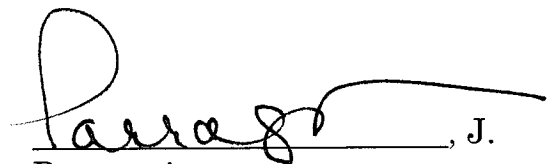
v. Greenspun, 109 Nev. 1022, 1024-25, 862 P.2d 423, 424-25 (1993) (recognizing that the district court's order remanding the matter to an administrative agency for further proceedings on the merits is not appealable as a final judgment); accord Clark County Liquor v. Clark, 102 Nev. 654, 657-58, 730 P.2d 443, 446 (1986); Pueblo of Sandia v. Babbitt, 231 F.3d 878, 880 (D.C. Cir. 2000). This general rule is designed to promote judicial efficiency and economy by avoiding piecemeal appellate review. Bally's Grand Hotel v. Reeves, 112 Nev. 1487, 1489, 929 P.2d 936, 937 (1996). For the same reason, we conclude that this general rule applies to orders remanding matters to the foreclosure mediation program.

Here, as the district court remanded for "additional" and "further" mediation, the mediation will readress the merits of the matter being mediated and if appropriate, any party will then be able to petition for judicial review of that mediation. Consequently, we conclude that the remand order was not the final resolution of this matter, and thus, it is not appealable. As in Pueblo of Sandia v. Babbitt, deferring appellate review while the mediator conducts these "significant further proceedings" and enters a final order not only avoids the possibility of considering two appeals from this matter, but it "also leaves open the possibility that no appeal will be taken in the event the proceedings on remand satisfy all parties." 231 F.3d at 880. Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.

  
Gibbons, J.

  
Pickering, J.

  
Parraguirre, J.

cc: Hon. Patrick Flanagan, District Judge  
Terry J. Thomas  
Akerman Senterfitt/Las Vegas  
Washoe District Court Clerk