

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD M. FLEMING,
Appellant,
vs.
DIANE MARIE HAAG,
Respondent.

No. 72287

FILED

JUL 31 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Richard M. Fleming appeals from a district court order denying a petition to register a foreign judgment. Second Judicial District Court, Family Court Division, Washoe County; David Humke, Judge.

As an initial matter, respondent Diane Marie Haag argues that this appeal should be dismissed for lack of jurisdiction because the challenged order is not a final judgment or otherwise appealable. Here, the order denying the petition to register a foreign judgment was a final judgment insofar as it resolved all of the issues before the district court, leaving nothing further for that court's consideration. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (“[A] final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney’s fees and costs.”); *cf. Leven v. Frey*, 123 Nev. 399, 168 P.3d 712 (2007) (resolving an appeal from an order denying a motion to declare a previous judgment void in a proceeding to renew the previous judgment). And while an order granting a motion to quash service of process is not appealable, such an order may be challenged within the context of an appeal from a final judgment. *Abreu v. Gilmer*, 115 Nev. 308, 310 n.1, 985 P.2d

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746, 747 n.1 (1999). As a result, we decline to dismiss this appeal for lack of jurisdiction.¹

With regard to appellant Richard M. Fleming's arguments that the district court erred by declining to register a Nebraska order, Nevada law provides for registration and enforcement in this state of foreign judgments, *see* NRS 17.330-.400 (providing for registration and enforcement of foreign judgments), and foreign child custody orders. *See* NRS 125A.465(1). Although Fleming asserts that the Nebraska order he filed here was a contractual matter, rather than a custody matter, the record demonstrates that the Nebraska order primarily concerned custody of the parties' youngest child, who was a minor at the time the order was originally entered. When the underlying action was filed, however, that child was over 18 years old and, thus, was no longer a child for the purposes of registering a child custody order. *See* NRS 125A.035 (defining "child" as "a person who has not attained 18 years of age"). As a result, we conclude that the district court properly found that the custody order was moot.

To the extent that Fleming contends the district court should have taken jurisdiction over his case because the order he sought to enforce raised matters other than custody, the record demonstrates that Fleming did not allege any facts, much less identify any evidence, to establish a *prima facie* case for personal jurisdiction over Haag. *See Trump v. Eighth Judicial Dist. Court*, 109 Nev. 687, 692, 857 P.2d 740, 743 (1993) (providing that, if a defendant challenges personal jurisdiction, the "plaintiff may make a *prima facie* showing of personal jurisdiction prior to trial and then prove jurisdiction by a preponderance of the evidence at trial"). In this


¹We also deny Haag's request for sanctions.

regard, Fleming argues that Haag entered into a contract with him and that she communicated with individuals who lived in Nevada. But these allegations do not demonstrate that Haag has the kind of contacts with Nevada necessary for the district court to exercise jurisdiction consistent with due process. See *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 471-76, 478 (1985) (discussing the types of contacts necessary to establish personal jurisdiction over a defendant).

Finally, the district court also correctly declined to order an investigation of the Nebraska Department of Health and Human Services, which is not a party to this action.² See *Young v. Nev. Title Co.*, 103 Nev. 436, 442, 744 P.2d 902, 905 (1987) (“A court does not have jurisdiction to enter judgment for or against one who is not a party to the action.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

²In light of our conclusions regarding jurisdiction, we need not reach Fleming’s remaining arguments.

cc: Hon. David Humke, District Judge, Family Court Division
Richard M. Fleming
Sherry B. Bowers
Washoe District Court Clerk