

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
WLADIMIR N. BAKLANOFF,
DECEASED.

No. 73786

MACHINING SPECIALIST, INC.,
Appellant,
vs.
NESTOR LOPEZ RUVULCABA,
BENEFICIARY OF THE ESTATE OF
WLADIMIR N. BAKLANOFF,
Respondent.

FILED

SEP 17 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

Machining Specialist, Inc., appeals from a district court order admitting a will to probate and setting aside an estate without administration. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

Wladimir N. Baklanoff passed away on March 27, 2017.¹ He left his entire estate to respondent Nestor Lopez Ruvulcaba. Ruvulcaba filed a petition to set aside an estate having a value of \$100,000 or less without administration. Machining Specialist, which was not named as a party, filed a verified objection. Although the district court heard argument from Machining Specialist, Machining Specialist never moved to intervene, nor was it served process or initially noticed by Ruvulcaba as to the probate action. Machining Specialist was never made a party to the action by the district court or by Ruvulcaba.

¹We do not recount the facts except as necessary to our disposition.

The district court held a hearing and questioned Machining Specialist as to its standing. Machining Specialist replied only that it was concerned about res judicata if the district court valued its shares of stock. On appeal, Machining Specialist argues the district court erred by not determining the fair market value of the stock as of the date of death as required by NRS 146.070(16).

Ruvulcaba requests that this court dismiss the appeal because Machining Specialist is not an aggrieved party and lacks standing to appeal under NRAP 3A(a). Machining Specialist replies that it has standing through the doctrines of comity and equity, and that this court should allow it to participate in the appeal to protect its property rights. It also notes that Ruvulcaba did not raise standing as an issue below.

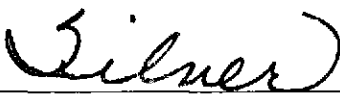
“Standing is a question of law reviewed de novo.” *Arguello v. Sunset Station*, 127 Nev. 365, 368, 252 P.3d 206, 208 (2011). Standing may be raised at any time, even by the court for the first time on appeal. See *Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951, 964-65, 194 P.3d 96, 105 (2008) (holding that a party lacks standing to pursue declaratory relief under a statute that does not provide a right of action); *Applera Corp. v. MP Biomedicals, LLC*, 93 Cal. Rptr. 3d 178, 192 (Ct. App. 2009) (holding that because standing is jurisdictional, it may be raised for the first time on appeal).


NRAP 3A(a) requires that the appellant be both a party below and be aggrieved. See *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 446-48, 874 P.2d 729, 735 (1994). Specifically, the court held in *Valley Bank* that “unless [the appellant] has been served with process, appeared in the court below *and* has been named as a party of record in the trial court[,]” it

is not a party under NRAP 3A(a) and cannot appeal. *Id.* at 448, 874 P.2d at 735.

Machining Specialist was not served with process and was not named as a party below. Machining Specialist was not entitled to statutory notice as to the probate proceedings and did not intervene in this estate action. See NRS 146.070(11) and NRCP 24. Therefore, this court lacks jurisdiction to consider this appeal. See *Aetna Life & Cas. Ins. Co. v. Rowan*, 107 Nev. 362, 363, 812 P.2d 350, 350-51 (1991) (holding a non-party may not appeal from an order denying its motion to intervene). Accordingly, we

ORDER this appeal DISMISSED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Gloria Sturman, District Judge
Eva Garcia-Mendoza, Settlement Judge
Accolade Law
Larry C. Johns
Eighth District Court Clerk

²We deny Ruvulcaba's request to impose sanctions against Machining Specialist.