

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUSAN HOY AS GUARDIAN AD  
LITEM FOR AZRAEL HARRISON,  
Appellant,

vs.

FLOWER MARIE CASTELLON; AND  
FLOR CABRERA, A/K/A FLOR  
OLVERA,

Respondents.

No. 82358

FILED

JUN 10 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment on a jury verdict and a district court order denying a motion for a new trial. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Initial review of the docketing statement revealed potential jurisdictional defects. First, it appeared that the judgment on jury verdict was not appealable as a final judgment under NRAP 3A(b)(1) because the claims brought by Robert Harrison and the claims brought against Susana Olvera remained pending in the district court. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Second, in the absence of a final judgment, the order denying the motion for a new trial is not appealable. *See Reno Hilton Resort Corp. v. Verderber*, 121 Nev. 1, 6, 106 P.3d 134, 137 (2005) ("NRAP 3A(b)(2) does not permit an appeal from an order granting or denying a new trial motion addressed to an interlocutory order or judgment.").


In response, appellant explains that the district court entered an order dismissing Robert Harrsion as a plaintiff. A copy of the written order is attached to appellant's response. Accordingly, it appears the claims brought by Robert Harrison have been finally resolved.

With respect to the claims brought against Susana Olvera, appellant concedes that no judgment has been entered against her. Appellant represents that the district court denied her motion to dismiss Olvera without prejudice and asks that this court stay this appeal and direct the district court to allow appellant to voluntarily withdraw her claims against Olvera without prejudice, with the ability to rename her as a defendant if this court reverses and remands for a new trial.

Appellant's request that this court direct the district court to allow appellant to voluntarily withdraw her claims against Olvera is improperly made in the context of a response to an order to show cause. We thus deny that request. Because the claims against Olvera remain pending in the district court, the district court has not yet entered a final judgment appealable under NRAP 3A(b)(1). Where no final judgment has been entered, the order denying the motion for a new trial is not appealable. And no other statute or court rule appears to authorize an appeal from the challenged orders. *See Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court "may only consider appeals authorized by statute or court rule"). Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Herndon

cc: Hon. Linda Marie Bell, Chief Judge  
Thomas J. Tanksley, Settlement Judge  
H&P Law, PLLC  
Claggett & Sykes Law Firm  
Holley Driggs/Reno  
Bremer Whyte Brown & O'Meara, LLP/Las Vegas  
Chattah Law Group  
Eighth District Court Clerk