


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARK EDWARD SUMMIT,
Appellant,
vs.
MARGARET MARIE SUMMIT,
Respondent.

No. 82116-COA

FILED

SEP 29 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

Mark Edward Summit appeals from a district court post-divorce decree order. Eighth Judicial District Court, Clark County; Rhonda Kay Forsberg, Judge.

Our review of the documents before us reveals a jurisdictional defect. In particular, although the challenged order, which was entered on November 11, 2020, denied Mark's request to modify custody, it only partially addressed certain of the remaining issues that were pending before the district court following this court's remand in *Summit v. Summit*, Docket No. 77804-COA. In particular, although the challenged order made preliminary findings concerning requests to modify child support and for child support arrears that were presented by respondent Margaret Marie Summit, following the remand in Docket No. 77804-COA, in her pre-trial memorandum and—ostensibly—at the subsequent evidentiary hearing,¹ the district court ultimately deferred rulings on these matters so that the

¹Although Mark failed to provide this court with a copy of the transcript from the evidentiary hearing, the findings and conclusions set forth in the challenged order suggest that these support issues were raised at the evidentiary hearing.

parties could submit additional documentation and present additional argument.

Likewise, the challenged order did not fully and finally resolve the long-running dispute between the parties concerning the distribution of proceeds from the sale of their marital residence that are held in Margaret's counsel's client trust account. Although the challenged order addressed one of the issues underlying this dispute by purporting to award Margaret \$3,000 from Mark's share of the marital residence proceeds for certain medical expenses, it also expressly anticipated further proceedings with respect to the medical expenses issue because it provided Mark with an opportunity to challenge the claimed expenses following the order's entry. Similarly, while the challenged order set forth the amount in the trust account that represented Mark's share of the marital residence proceeds following the district court's awards to Margaret, the order suggests that the court may provide additional credits to Margaret from this amount.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984). And no statute or court rule provides for an appeal from an order regarding child custody that is not final. See NRAP 3A(b)(1) (allowing appeals from final judgments); NRAP 3A(b)(7) (allowing appeals from child custody orders that finally establish or modify custody); *Rennels v. Rennels*, 127 Nev. 564, 569, 257 P.3d 396, 399 (2011) ("An order is final if it disposes of the issues presented in the case and leaves nothing for the future consideration of the court." (alteration and internal quotation marks omitted)). Under these circumstances, we must conclude that the order appealed from is not a final

judgment and that we lack jurisdiction to consider this appeal. *See Taylor Constr. Co.*, 100 Nev. at 209, 678 P.2d at 1153. Accordingly, we

ORDER this appeal DISMISSED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Rhonda Kay Forsberg, District Judge
Mark Edward Summit
Roberts Stoffel Family Law Group
Eighth District Court Clerk

²Once the district court fully resolves Margaret's request to modify child support and any remaining disputes concerning the subject medical expenses, including determining whether Margaret is entitled to any additional credits from Mark's share of the marital residence proceeds following the court's awards to Margaret, any aggrieved party may appeal from the order finally resolving those issues. And the rulings contained in the November 11, 2020, order can be challenged as part of the appeal from this final order.