

IN THE SUPREME COURT OF THE STATE OF NEVADA

REDDY ICE CORPORATION; AND
GALLAGHER BASSETT SERVICES,
INC.,

Appellants,

vs.

FRED GILL,

Respondent.

No. 82109

FILED

APR 07 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion for reconsideration, to alter judgment, and/or to amend findings. Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

When initial review of the docketing statement and documents before this court revealed potential jurisdictional defects, this court ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, it appeared that an order denying a motion for reconsideration, to alter judgment, and/or to amend findings is not substantively appealable. *See Uniroyal Goodrich Tire v. Mercer*, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995), *superseded on other grounds by statute as stated in RTTC Commc'ns, LLC v. Saratoga Flier, Inc.*, 121 Nev. 34, 110 P.3d 24 (2005); *Alvis v. State*, 99 Nev. 184, 660 P.2d 980 (1983), *overruled on other grounds by AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010). In addition, to the extent the notice of appeal is construed as an appeal from the underlying order granting in part the petition for judicial review, *see Uniroyal*, 111 Nev. at 320 n.1, 890 P.2d at 787 n.1, it appeared that the order is not substantively appealable because it remands for further substantive administrative proceedings, *see*

Ayala v. Caesars Palace, 119 Nev. 232, 71 P.3d 490 (2003), *overruled on other grounds by Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 194 P.3d 709 (2008).

In response, appellants contend that their motion for reconsideration, to alter judgment, and/or to alter and/or amend findings did not seek rehearing or re-review of substantive matters before the court. They do not, however, offer any basis upon which the order is appealable. Appellants also seem to assert that the underlying district court order is appealable because it remanded to the appeals officer regarding an “ancillary issue” that is “not significant.”

The order denying appellants’ motion for reconsideration, to alter judgment, and/or to alter and/or amend findings is not substantively appealable. *See Uniroyal Goodrich Tire*, 111 Nev. at 320 n.1, 890 P.2d at 787 n.1 (no appeal may be taken from an order denying a motion to alter or amend); *Alvis*, 99 Nev. 184, 660 P.2d 980 (an order denying a motion for rehearing is not appealable).

This court could construe the notice of appeal as challenging the underlying order granting in part the petition for review and remanding for further proceedings. *See Uniroyal*, 111 Nev. at 320 n.1, 890 P.2d at 787 n.1. However, where the underlying order remands for a new hearing before the appeals officer to address whether respondent provided proper notice in compliance with NRS 617.342 and NRS 617.346(2), and thus whether respondent’s claim for benefits should be accepted, the order remands for further substantive proceedings and is not appealable. *See, e.g., Wells Fargo Bank, N.A. v. O’Brien*, 129 Nev. 679, 680-81, 310 P.3d 581, 582 (2013) (“[I]n the administrative context, a district court order remanding a matter to an administrative agency is not an appealable order, unless the order

constitutes a final judgment on the merits and remands merely for collateral tasks, such as calculating benefits found due.”); *Ayala*, 119 Nev. at 235, 71 P.3d at 492 (stating the general rule that a district court order remanding to an administrative agency is not appealable unless the order is a final judgment, and concluding that an order remanding to consider evidence the administrative agency had previously failed to consider was not a final judgment). Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.¹

1 Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Herndon, J.
Herndon

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 4
Israel Kunin, Settlement Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Kemp & Kemp
Eighth District Court Clerk

¹This court’s order to show cause suspended the deadlines to file documents in this appeal. This court therefore takes no action on appellant’s motion for an extension of time to file a certificate of no transcript request.