

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEPHEN LEE CHOATE, AN
INDIVIDUAL,
Appellant,
vs.
TIMOTHY JAMES PERSSON, AN
INDIVIDUAL,
Respondent.

No. 82814-COA

FILED

APR 08 2022

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

ORDER DISMISSING APPEAL

Stephen Lee Choate appeals from a district court order dismissing a complaint. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

On March 17, 2011, respondent Timothy James Persson initiated an action against Choate, and others, asserting various civil claims arising out of a real estate transaction. The following day, the district court issued a pre-judgment writ of attachment without notice and a hearing pursuant to NRS 31.017. Although Choate filed an answer and discovery commenced, the district court ultimately dismissed Persson's complaint for lack of prosecution pursuant to NRCP 41(e) in March 2021. In April 2021, Choate filed a motion to reconsider the district court's order of dismissal, which the district court denied. This appeal followed.

A party seeking to appeal from a district court order must be aggrieved by the order to have standing to appeal under NRAP 3A(a). "A party is 'aggrieved' within the meaning of NRAP 3A(a) when either a personal right or right of property is adversely and substantially affected by a district court's ruling." *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440,

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446, 874 P.2d 729, 734 (1994) (internal quotation marks omitted). Because the district court's order dismisses the complaint against Choate, he is not aggrieved by it or the order denying his motion for reconsideration, and he therefore lacks standing to pursue this appeal.¹ Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Robert W. Lane, District Judge
Stephen Lee Choate
Timothy James Persson
Nye County Clerk

¹We note that Choate contends he is aggrieved by a \$200,000 judgment entered against him in this matter, but no such judgment appears in the record. While a pre-judgment writ of attachment was issued by the district court in the amount of \$140,000, Choate does not address the writ in his appellate brief. Regardless, we note that once the case was dismissed, the writ of attachment was automatically dissolved. *Turner v. Dorland*, 89 Nev. 408, 410-11, 514 P.2d 210, 211 (1973) (explaining that a writ of attachment is automatically dissolved upon entry of a judgment in favor of the defendant (quoting *Ranft v. Young*, 21 Nev. 401, 402-03, 32 P. 490, 490-91 (1893))).