

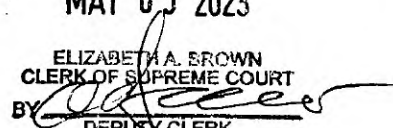
IN THE SUPREME COURT OF THE STATE OF NEVADA

ARTHUR J. BAYER, JR.,
INDIVIDUALLY; AND ARTHUR J.
BAYER, JR., AS TRUSTEE OF THE
BAYER FAMILY REVOCABLE LIVING
TRUST,
Appellants,
vs.
NATIONSTAR MORTGAGE LLC, D/B/A
MR. COOPER; WELLS FARGO BANK,
N.A.; AND AFFINIA DEFAULT
SERVICES, LLC,
Respondents.

No. 85586

FILED

MAY 05 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a post-mediation request for relief and for the imposition of sanctions in a foreclosure mediation matter. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

When initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect, this court ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it did not appear that the district court has entered a final order appealable under NRAP 3A(b)(1) and FMR 24. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). The challenged order denies appellants' request for relief, including their request for sanctions, and orders that the mediator's statements will be admitted by the court. The order does not, however, dismiss the petition, direct or deny issuance of a certificate allowing foreclosure, or otherwise finally resolve the mediation petition. It thus

appeared that the mediation matter has not been finally resolved by the district court.


Relying on federal caselaw, appellants respond that the order is an appealable interlocutory order because (1) “it involves a controlling question of law, and immediate appeal may materially advance the ultimate termination of the proceedings,” (2) the order carries irreparable consequences, and (3) this case presents unique circumstances. However, no Nevada statute or court rule allows appeals from interlocutory orders under those circumstances. *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”). Appellants also assert the order is appealable under NRAP 3A(b)(9). That rule permits appeals from “[a]n interlocutory judgment, order or decree in an action to redeem real or personal property from a mortgage or lien that determines the right to redeem and directs an accounting.” The underlying action was not one to redeem real or personal property and the challenged order does not determine the right to redeem and direct an accounting. Appellants also contend (contrary to their argument that the order is an interlocutory order) that the order is a final judgment because it finally resolved their request for relief. But appellants do not demonstrate that the order finally resolves the petition for foreclosure mediation where it does not dismiss the petition, direct or deny issuance of a certificate allowing foreclosure, or otherwise finally resolve the mediation petition. Accordingly, appellants fail to demonstrate that this court has jurisdiction, *see Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to

establish, to our satisfaction, that this court does in fact have jurisdiction.”),
and this court

ORDERS this appeal DISMISSED.¹


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Hon. Kathleen A. Sigurdson, District Judge
Jill I. Greiner, Settlement Judge
Arthur J. Bayer, Jr.
Troutman Pepper Hamilton Sanders LLP/Atlanta
Troutman Pepper Hamilton Sanders LLP/Las Vegas
Kravitz Schnitzer Johnson Watson & Zeppenfeld, Chtd.
McCalla Raymer Leibert Pierce, LLP
Wells Fargo Bank
Washoe District Court Clerk

¹To the extent appellants discuss the merits of this appeal in their response, that discussion has not been considered by this court.

If aggrieved, appellants may file a new notice of appeal once the district court enters a final judgment finally resolving the petition for foreclosure mediation.