

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIE SCHREIBER, AN INDIVIDUAL;
AND THEODORE SCHREIBER, AN
INDIVIDUAL,

Appellants,

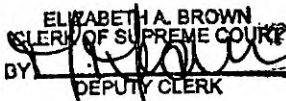
vs.

TOP RANK BUILDERS, INC., A
NEVADA CORPORATION; HECTOR
VASQUEZ, AN INDIVIDUAL; AND
MEGAN MORALES, AN INDIVIDUAL,
Respondents.

No. 86049

FILED

AUG 11 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion to compel arbitration. Eighth Judicial District Court, Clark County; Eric Johnson, Judge. Respondents move to dismiss this appeal for lack of jurisdiction. Appellants oppose the motion. This court agrees with respondents.

An order compelling arbitration is not appealable. NRS 38.247; *Kindred v. Second Judicial Dist. Court*, 116 Nev. 405, 409, 996 P.2d 903, 906 (2000). Appellants appear to argue that the challenged order is appealable because the district court erred by determining that respondents did not waive arbitration or materially breach the arbitration agreement. Whether the arbitration agreement was waived or materially breached relates to the merits of this appeal rather than the appealability of the challenged order. An allegation that the district court erred on the merits of its decision does not render an order appealable. An appeal must be authorized by a specific statute or court rule. 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”). And no

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statue or court rule authorizes an appeal from a district court order compelling arbitration. *Kindred*, 116 Nev. at 409, 996 P.2d at 906.

Appellants also appear to assert that the order is appealable because it denies an injunction. See NRAP 3A(b)(3). However, while the order states that the court previously denied appellants' request for injunctive relief, the order does not deny or otherwise rule on any request for an injunction. Therefore, it is not appealable under NRAP 3A(b)(3).

Appellants fail to demonstrate that the challenged order is appealable. 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."). Accordingly, the motion to dismiss is granted and this court

ORDERS this appeal DISMISSED.


_____, J.
Herndon


_____, J.
Lee



Parraguirre

cc: Hon. Eric Johnson, District Judge
James A. Kohl, Settlement Judge
Odunze PLLC
The Wright Law Group, P.C.
Eighth District Court Clerk