

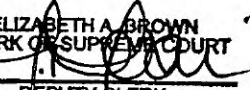
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW ADAM SUPNICK,
Appellant,
vs.
MELISSA ANN SUPNICK,
Respondent.

No. 85818-COA

FILED

AUG 24 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

Matthew Adam Supnick appeals from a district court order denying a post-divorce decree motion to modify custody. Eighth Judicial District Court, Family Division, Clark County; Stacy M. Rocheleau, Judge.

When our review of the documents before us revealed a potential jurisdiction defect, we entered an order directing Matthew to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we noted that, at the time of the hearing resulting in the challenged order, the district court had before it both Matthew's motion to modify child custody and respondent Melissa Ann Supnick's motion for permission to relocate with the minor child. While the challenged order denied Matthew's motion to modify custody, the order concluded that an evidentiary hearing should be scheduled at which Melissa's motion for permission to relocate would be considered.

Because the challenged order did not appear to fully resolve the post-judgment child custody issues as further proceedings regarding Melissa's request to relocate were expressly contemplated by the challenged order, our show cause order noted that the challenged order did not appear to be appealable as a special order entered after final judgment. *See* NRAP

3A(b)(8); *Rennels v. Rennels*, 127 Nev. 564, 569, 257 P.3d 396, 399 (2011) (providing that a final order “disposes of the issues presented” leaving “nothing for the future consideration of the court” (internal quotation marks omitted)). Our show cause order further emphasized that, while NRAP 3A(b)(7) permits an appeal from “[a]n order entered in a proceeding that did not arise in a juvenile court that finally establishes or alters the custody of minor children,” the challenged order did not seem appealable under that provision because it does not establish or alter custody of the minor child, it simply denied Matthew’s motion to modify.

Matthew subsequently filed a response to this court’s show cause order and Melissa has filed a reply. In his response, Matthew contends that the challenged order was the final judgment entered in the underlying case, such that it can be appealed under NRAP 3A(b)(1). Melissa, in contrast, argues that the challenged order is not appealable, and that this appeal should be dismissed for lack of jurisdiction. For the reasons set forth below, we conclude that we lack jurisdiction over this appeal, and we therefore dismiss it.

The underlying action was initiated in 2014 with the filing of a joint petition for summary decree of divorce. And the final judgment in the underlying case was the resulting decree of divorce, which was filed on May 15, 2014. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (stating that a final judgment is one that, among other things, “disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court”). Under these circumstances, both Matthew’s motion to modify custody and Melissa’s motion for permission to relocate constituted post-judgment motions for relief related to child custody. Although orders resolving post-divorce decree requests to modify

custody can ordinarily be appealed as special orders entered after final judgment, *see* NRAP 3A(b)(8); *Burton v. Burton*, 99 Nev. 698, 700, 669 P.2d 703, 705 (1983) (providing that an order denying a motion to modify a divorce decree is appealable as a special order after final judgment if the motion is based on changed factual or legal circumstances), jurisdiction is not proper here as the challenged order did not fully resolve the child custody issues pending before the district court based on the parties' post-decree motions. *See Rennels*, 127 Nev. at 569, 257 P.3d at 399. Indeed, allowing an appeal from the denial of Matthew's motion to modify custody while Melissa's countermotion for permission to relocate remains pending—and may result in a second appeal arising from the underlying case once the relocation motion is resolved—is inconsistent with the principles underlying our finality rules—"promoting judicial economy by avoiding the specter of piecemeal appellate review."¹ *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 444, 874 P.2d 729, 733 (1994) (providing that the appellate courts take "a functional view of finality, which seeks to further the rule's main objective: promoting judicial economy by avoiding the specter of piecemeal appellate review").

For the forgoing reasons, we conclude that the order denying Matthew's motion to modify custody cannot be appealed as a special order entered after final judgment. And jurisdiction is likewise unavailable under

¹While Matthew summarily asserts that his request to modify custody and Melissa's countermotion for permission to relocate constitute "distinct and separate issues" he cites no authority to support this proposition and does not offer any argument as to why he believes these motions are unrelated. As a result, we do not consider this argument. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider claims that are not cogently argued or supported by relevant authority).

NRAP 3A(b)(7), as the challenged order does not finally establish or alter custody of the minor child. Accordingly, we conclude that we lack jurisdiction over this appeal and we therefore order the appeal dismissed.²

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Division
Jones & LoBello
Kainen Law Group
Eighth District Court Clerk

²Although Matthew asserts that he will have no way to challenge the denial of his motion to modify custody if this appeal is dismissed on jurisdictional grounds, we disagree. Once the district court enters an order fully resolving the post-judgment custody issues before it, including Melissa's request to relocate, Matthew can challenge the denial of his motion to modify custody in the context of an appeal resolving the motion for permission to relocate. *Cf. Consol. Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (providing for appellate review of interlocutory orders in the context of an appeal from a final order or decision).