

IN THE SUPREME COURT OF THE STATE OF NEVADA

OLENA KARPENKO,
Appellant,
vs.
ENRIQUE SCHAERER,
Respondent.

No. 86536

OLENA KARPENKO,
Appellant,
vs.
ENRIQUE SCHAERER,
Respondent.

No. 86537

FILED

OCT 26 2023

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

ORDER DISMISSING APPEALS

Docket No. 86536 is an appeal from a district court order regarding child support. Docket No. 86537 is an appeal from a district court order awarding attorney fees and costs. Eighth Judicial District Court, Family Division, Clark County; Dawn Throne, Judge.

When initial review of the docketing statement and documents before this court revealed potential jurisdictional defects, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, it did not appear that the child support order was a final judgment appealable under NRAP 3A(b)(1). The order establishes child support arrears and sets the amount of temporary child support going forward; however, it does not finally resolve the issue of child support and contemplates further consideration by the district court. See *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (“[A] final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-

judgment issues such as attorney's fees and costs."); *In re Temp. Custody of Five Minor Children*, 105 Nev. 441, 443, 777 P.2d 901, 902 (1989) (holding that a temporary order is not appealable because it is subject to review and modification by the district court). Further, although an order awarding attorney fees and costs is generally appealable as a special order after final judgment, *see* NRAP 3A(b)(8), in the absence of a final judgment, there can be no special order after final judgment. If the order regarding child support is not a final judgment, the order awarding attorney fees and costs is not appealable as a special order after final judgment.

In response, appellant asserts that the order regarding child support is a final judgment because it finally resolves the issue of arrearages. Appellant also suggests that the child support order is a special order after final judgment following a final judgment on paternity. We disagree.

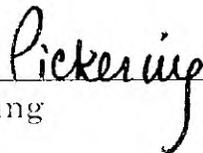
In a divorce proceeding such as this, the final judgment is one that finally resolves all issues pertaining to the dissolution of the parties' marriage, including child support. *See Lee*, 116 Nev. at 426, 996 P.2d at 417. In determining whether a judgment is final, this court will typically look beyond labels and instead take a functional view of finality. *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 444, 874 P.2d 729, 733 (1994). The requirement of finality furthers judicial economy by avoiding piecemeal appellate review. *Id.*

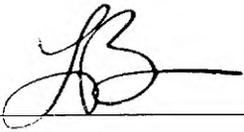
Here, the challenged order regarding child support does not finally resolve the issue of child support because it only sets a temporary amount of child support going forward and leaves the final amount of support going forward to be determined at a later date. While the order may finally resolve the issue of arrearages, it is not a final judgment where

it does not finally resolve all issues raised in the divorce proceedings. Similarly, any order resolving paternity is not a final judgment resolving the underlying divorce proceedings where the child support issue has not yet been resolved with finality. And it does not appear that the district court has entered an order finally resolving the amount of child support going forward. Therefore, it does not appear that the district court has entered a final judgment appealable under NRAP 3A(b)(1). In the absence of a final judgment, the order awarding attorney fees and costs is not appealable as a special order after final judgment.¹ Accordingly, this court lacks jurisdiction and

ORDERS these appeals DISMISSED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Hon. Dawn Throne, District Judge, Family Division
Israel Kunin, Settlement Judge
Willick Law Group
Kainen Law Group
Eighth District Court Clerk

¹To the extent appellant contends the order awarding attorney fees and costs is appealable as a final judgment, the contention lacks merit because that order does not resolve any claims related to the substance of the divorce. Attorney fees and costs are post-judgment issues. *Lee*, 116 Nev. at 426, 996 P.2d at 417.