

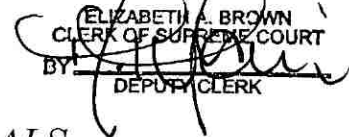
IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY LORENZO,
Appellant/Cross-Respondent,
vs.
PIERRE GENDEBIEN,
Respondent/Cross-Appellant.

No. 87318

FILED

JAN 19 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEALS

This is an appeal and cross-appeal from a district court order denying and dismissing a complaint for maternity. Eighth Judicial District Court, Clark County; Mari D. Parlade, Judge.

When initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect, this court ordered the parties to show cause why this appeal and cross-appeal should not be dismissed for lack of jurisdiction. First, it appeared that the challenged order is not appealable as a final judgment under NRAP 3A(b)(1) because it leaves the issue of non-parent visitation to be determined. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). It also appeared that the district court entered an order on August 28, 2023, substantively amending the challenged order. When a judgment is substantively altered by an amended judgment, an appeal should generally be taken from the amended judgment rather than the final judgment. *See Morrell v. Edwards*, 98 Nev. 91, 92, 640 P.2d 1322, 1324 (1982). However, the August 28, 2023, order did not appear to be substantively appealable because it granted appellant leave to amend her complaint. *See Bergenfield v. BAC Home Loans Servicing, LP*, 131 Nev. 683, 686, 354 P.3d 1282, 1284 (2015). Lastly, it did not appear that the

challenged order was appealable pursuant to NRAP 3A(b)(7) because it does not finally resolve the custody and visitation issues.

In response, respondent/cross-appellant concedes that the challenged order is not appealable pursuant to NRAP 3A(b)(1) or NRAP 3A(b)(7) and contends the appeals should be dismissed. Appellant/cross-respondent states that she agrees with this court's analysis in the order to show cause and requests that these appeals be dismissed for lack of jurisdiction. Accordingly, it appears this court lacks jurisdiction and

ORDERS these appeals DISMISSED.

Stiglich, J.
Stiglich

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

cc: Hon. Mari D. Parlade, District Judge
Candelaria Law Group
Kelleher & Kelleher, LLC
Eighth District Court Clerk