

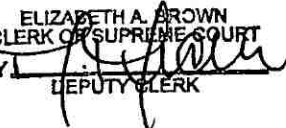
IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN WILSON AND CHRISTINE WILSON, INDIVIDUALLY AND AS TRUSTEES OF THE BRYAN AND CHRISTINE WILSON FAMILY TRUST DATED SEPTEMBER 18, 2007,  
Appellants,  
vs.  
PAUL R. SMITH AND MELISSA J. SMITH, INDIVIDUALLY AND AS TRUSTEES OF THE PAUL R. SMITH AND MELISSA J. SMITH REVOCABLE LIVING TRUST,  
Respondents.

No. 87571

**FILED**

JAN 31 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from an October 2, 2023, district court order denying legal relief and granting an equitable easement with damages in a real property boundary dispute. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Respondents move to dismiss this appeal for lack of jurisdiction, asserting that the order is not final because it directs the parties to submit additional evidence and anticipates thereafter entering a final judgment. Appellants oppose the motion, contending that the order is final because only post-judgment issues remain and, alternatively, that the order is appealable because it denied their claim for injunctive relief.

Having reviewed the parties' arguments, we conclude that we lack jurisdiction over this appeal. "[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." *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Here, the district court directed the parties to either agree to an amount due for the equitable easement it imposed as part of its adjudication of the parties' legal claims or to submit evidence so that it could determine an amount due. The easement amount is an integral part of the relief afforded by the district court on its adjudication of the merits and, thus, not merely part of post-judgment costs and issues. Moreover, the district court expressly contemplated entering a final judgment after its consideration of the remaining issue. Consequently, we conclude that the October 2 order is not appealable as a final judgment. Further, the order is not independently appealable as an order refusing to grant an injunction under NRAP 3A(b)(3), as the order neither expressly rules on a request for an injunction nor finally resolves the claims and issues below.

Accordingly, we grant respondents' motion and  
ORDER this appeal DISMISSED.



\_\_\_\_\_, J.  
Herndon



\_\_\_\_\_, J.  
Lee



\_\_\_\_\_, J.  
Bell

cc: Hon. David A. Hardy, District Judge  
Madelyn Shipman, Settlement Judge  
Woodburn & Wedge  
Backus | Burden  
Maupin, Cox & LeGoy  
Washoe District Court Clerk