

IN THE SUPREME COURT OF THE STATE OF NEVADA

INSURANCE COMPANY OF THE  
WEST, A CALIFORNIA  
CORPORATION,  
Appellant,


vs.

GIBSON TILE COMPANY, INC., A  
NEVADA CORPORATION; THOMAS  
GIBSON, AN INDIVIDUAL; AND  
KELLY GIBSON, AN INDIVIDUAL,  
Respondents.

No. 42942

**FILED**

**JUN 28 2004**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court contempt order. On April 24, 2004, this court entered an order directing appellant to show cause within thirty days why this appeal should not be dismissed for lack of jurisdiction. Specifically, the order noted that the judgment or order designated in the notice of appeal appeared to be not substantively appealable.<sup>1</sup>


Appellant has filed a response indicating that it filed its notice of appeal from the post-judgment contempt order out of caution. In addition to the notice of appeal, appellant also filed an original petition for a writ of prohibition challenging the same contempt order, docketed as Number 42897. Appellant concedes that if the contempt order is not appealable, relief is available only through a writ petition.


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<sup>1</sup>See NRAP 3A(b); Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000).

As a contempt order is not an appealable determination, we conclude that we lack jurisdiction, and we dismiss this appeal.<sup>2</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Beckley Singleton, Chtd./Las Vegas  
Orin G. Grossman, P.C.  
Clark County Clerk

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<sup>2</sup>Appellant's motion to consolidate this appeal with the appeal in Docket Number 42343 and the writ petition in Docket Number 42897 is denied as moot.