

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM LEFEVER,
Appellant,
vs.
BRIAN JOHN CAMERON; TINA MARIE
CAMERON; WESLEY CAMERON; AND
EVELYN CAMERON,
Respondents.

No. 43452

FILED

MAY 19 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER GRANTING MOTION TO
VOLUNTARILY DISMISS APPEAL

This is an appeal from a district court order denying appellant's motion to intervene in a child visitation matter. Eighth Judicial District Court, Family Court Division, Clark County; Lisa Brown, Judge.

Our preliminary review of the documents before us revealed potential jurisdictional defects. In particular, it appeared that the order appealed from was not substantively appealable.¹ This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule, and no statute or rule appears to allow an appeal from an order denying a motion to intervene.² In addition, it did not

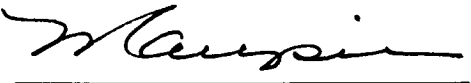
¹See NRAP 3A(b); see also Aetna Life & Casualty v. Rowan, 107 Nev. 362, 812 P.2d 350 (1991) (providing that an order denying a motion to intervene is not substantively appealable).

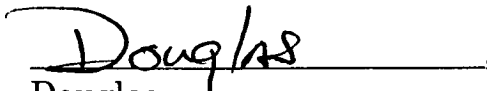
²Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Rowan, 107 Nev. 362, 812 P.2d 350.

appear that appellant was an aggrieved party with standing to appeal.³ When a proposed intervenor is denied intervention, he or she is not a party to the underlying proceedings and cannot appeal from a judgment entered in the action.⁴

Therefore, on March 9, 2005, we ordered appellant to show cause why this court has jurisdiction to entertain this appeal. On April 11, 2005, in response to our order to show cause, appellant filed the present unopposed voluntary motion to dismiss. Accordingly, we grant appellant's motion to voluntarily dismiss this appeal. The parties shall bear their own costs and fees, if any.⁵

It is so ORDERED.


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

³See NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 446-48, 874 P.2d 729, 734-35 (1994) (holding that non-party shareholders were not "parties" with standing to appeal from an order approving settlement of a derivative action).

⁴See Gladys Baker Olsen Fam. Trust v. Olsen, 109 Nev. 838, 858 P.2d 385 (1993) (concluding that a family trust had no standing as a party to appeal from an order issued in an action to enforce compliance with a spousal support agreement).

⁵NRAP 42.

cc: Hon. Lisa Brown, District Judge, Family Court Division
Howard & Eccles
Tina Marie Cameron
Herbert Sachs
John C. Wawerna
Clark County Clerk