

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBIN BRUGESS, AN INDIVIDUAL,
Appellant,
vs.
DANIEL DOHRN, AN INDIVIDUAL,
AND ANN DOHRN, AN INDIVIDUAL,
Respondents.

No. 44255

ROBIN BRUGESS,
Petitioner.
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALORIE J. VEGA, DISTRICT JUDGE,
Respondents,
and
DANIEL DOHRN AND ANN DOHRN,
Real Parties in Interest.

No. 44280

FILED

NOV 23 2004

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

ORDER DISMISSING APPEAL IN DOCKET NO. 44255
AND GRANTING TEMPORARY STAY AND
DIRECTING ANSWER IN DOCKET NO. 44280

Docket No. 44255 is an appeal from a district court order that enforces a partial summary judgment by allowing the real parties in interest to inspect petitioner's home, establishing an escrow closing date of December 1, 2004, and requiring petitioner to relinquish possession of the home on December 1, 2004. Docket No. 44280 is an original petition for a writ of mandamus challenging the same district court order.

On November 19, 2004, this court ordered appellant to show cause why her appeal should not be dismissed for lack of jurisdiction. We noted that no statute or court rule appeared to confer jurisdiction on this court over the challenged order. On November 22, 2004, appellant responded to our show cause order, asserting that the challenged order is

appealable as a final judgment, an order redeeming real property from a lien, or an order granting an injunction. But the challenged order does not qualify as final judgment because damages claims remain pending below.¹ Nor does the order grant injunctive relief² or redeem real property from a lien.³ Consequently, we lack jurisdiction over the appeal in Docket No. 44255, and we order that appeal dismissed.⁴

As for the writ petition in Docket No. 44280, petitioner has filed an emergency motion for stay pending our consideration of the petition. Having considered the motion, we conclude that a temporary stay is warranted. Accordingly, we grant petitioner's motion, and we temporarily stay, pending our receipt and consideration of any response to the motion, the district court from enforcing its order granting partial summary judgment in Case No. A483268.⁵

¹See NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).

²See NRAP 3A(b)(2).

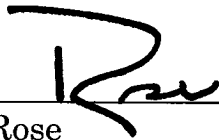
³See NRAP 3A(b)(3); Cranwell v. Mesec, 890 P.2d 491, 503 (Wash. Ct. App. 1995) (recognizing that a notice of lis pendens does not create a lien upon the affected property).

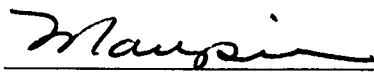
⁴We deny the stay motion filed on November 17, 2004 in Docket No. 44255 as moot. We also deny respondents' motion to dismiss as moot, and we deny respondents' request for sanctions.

⁵Our stay encompasses the October 28, 2004 "Order Granting Plaintiffs' Countermotion for Enforcement of Order Granting Partial Summary Judgment" and any purported amendment of the October 28 order.

Further, the real parties in interest, on respondents' behalf, shall have thirty days from this order's date within which to file an answer, including authorities, against issuance of the requested writ.

It is so ORDERED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Valorie Vega, District Judge
McCrea Martin Allison, Ltd.
Ashworth & Benedict
Clark County Clerk