

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA BUSINESS SERVICES;
SOUTHERN NEVADA WORKFORCE
INVESTMENT BOARD; SOUTHERN
NEVADA JOB TRAINING BOARD; AND
THE SOUTHERN NEVADA CHIEF
ELECTED OFFICIALS CONSORTIUM,

Appellants,

vs.

THE STATE OF NEVADA LOCAL
GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD;
LAS VEGAS CITY EMPLOYEES
BENEFIT AND PROTECTIVE
ASSOCIATION, A/K/A LAS VEGAS
CITY EMPLOYEES ASSOCIATION, A
NEVADA CORPORATION; AND DIANA
REED,

Respondents.

No. 44466

FILED

JUL 0 1 2005

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

ORDER DISMISSING APPEAL

Respondent State of Nevada, on relation of its Local Government Employee-Management Relations Board (EMRB), has moved to dismiss this appeal because it is premature. EMRB explains that this is an appeal from an order of the district court affirming the decision of the EMRB "as to all issues except for the finding of liability against the City of Las Vegas for damages based upon unfair labor practices committed in this case." The district court remanded the case to the EMRB to clarify the issue of liability of the City of Las Vegas.¹ EMRB

¹The City of Las Vegas is not a party to this appeal.

represents that it has not yet entered its findings regarding the liability of the City of Las Vegas. EMRB argues that this appeal is premature because all issues have not been resolved in the court below.

Respondents Las Vegas City Employees' Association (LVCEA) and Diana Reed have filed a document designated as an "opposition" to EMRB's motion to dismiss. However, LVCEA and Reed concur "entirely in the facts, law, and conclusions as stated by [EMRB] in its motion." LVCEA and Reed add that if this appeal is not dismissed, they request that this court "stay the proceedings until such time as the District Court has rendered a final judgment."

After the foregoing documents were filed, appellants filed two documents entitled "Voluntary Dismissal of Appeal."² Appellants state that they reviewed EMRB's motion and LVCEA and Reed's "opposition" thereto, and, "after review of the case governing appeals of consolidated actions, Appellants must voluntarily dismiss this appeal." Appellants request "this Appeal be dismissed without prejudice."

While parties may agree to voluntarily dismiss an appeal, see NRAP 42(b), this court will only dismiss an appeal with prejudice. Once this court has dismissed an appeal, it may not be reinstated. Accordingly, we deny appellants' request to dismiss this appeal "without prejudice." Without expressing an opinion regarding the existence of remedies available to appellants after conclusion of proceedings below, including an

²The notices appear identical, except that the one filed on February 9, 2005, was signed by counsel for appellants and respondents LVCEA and Reed, while the notice filed on February 10, 2005, was signed by counsel for EMRB.

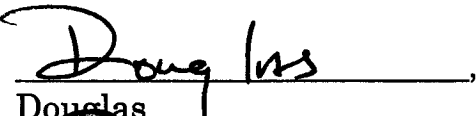
appeal to this court, we note, generally, that any aggrieved party may appeal from a “final judgment” of the district court resolving a petition for judicial review of a final administrative decision. See NRS 233B.150; NRAP 3A.

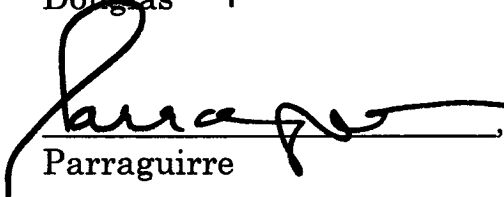
The parties are correct in their agreement that this appeal is premature. If a district court order substantively determines the issues presented in a petition for judicial review but remands to an administrative agency for action similar to calculating benefits, such an order is a final, appealable judgment. See Bally’s Grand Hotel v. Reeves, 112 Nev. 1487, 929 P.2d 936 (1996). However, where an order of the district court remands a matter to an administrative agency for further substantive action, it is not a final judgment and is not appealable. Clark County Liquor & Gaming Lic. Bd. v. Clark, 102 Nev. 654, 730 P.2d 443 (1986). Here, the district court has remanded the matter before it to the EMRB “for clarification as to the basis of liability” of one of the parties below, the City of Las Vegas, so that the district court will “be able to determine whether the [EMRB]’s holding” with regard to the City of Las Vegas’ liability is proper. We conclude that the instant situation is one in which substantive issues remain to be determined. Specifically, after clarification by the EMRB, the district court will determine whether the EMRB erred in determining the liability of the City of Las Vegas. As there are issues left for the future consideration of the district court, the order appealed from is not an appealable final judgment. See Lee v. GNLV, 116 Nev. 424, 996 P.2d 416 (2000) (an appealable final judgment resolves all claims against all parties to an action and leaves nothing for the future consideration of the district court, except for post-judgment

issues such as attorney fees and costs). Accordingly, we grant EMRB's motion to dismiss this appeal. This appeal is dismissed.

It is so ORDERED.

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

cc: Hon. Jennifer Togliatti, District Judge
Lansford W. Levitt, Settlement Judge
Clark County District Attorney David J. Roger/Civil Division
Attorney General Brian Sandoval/Las Vegas
Las Vegas City Attorney
Law Office of Bruce K. Snyder
Clark County Clerk