

IN THE SUPREME COURT OF THE STATE OF NEVADA

MEADOWBROOK INSURANCE
SERVICES,
Appellant,
vs.
LINDA ROSE, SURVIVING SPOUSE
OF ROBERT ROSE, DECEASED,
Respondent.

No. 44632

FILED

OCT 13 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. B. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court granting a petition for judicial review, reversing the decision of the appeals officer, and remanding for an evidentiary hearing on the issue of whether the industrial accident was the cause of death. When our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

Specifically, based on our review it appeared that the district court order appealed was not a final judgment.¹ This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.² A district court order remanding a case to an administrative body for further proceedings may be an appealable final judgment only if the remand "does not change the substantive finality" of

¹NRAP 3A(b)(1).

²Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

the district court's decision.³ However, that did not appear to be the case here as further substantive action was required by the appeals officer to determine the cause of death.

Appellant has responded to our show cause order and states that the case has now gone before the appeals officer on the issue of cause of death. Further, appellant represents that respondent has petitioned the district court for judicial review of that decision. On this basis, appellant "submits that it has no opposition at this time to a dismissal of the instant action given the procedural history of this matter and the fact that this case is now properly before the Second Judicial District Court." In light of appellant's response to our order to show cause and that the ordered appealed was apparently not a final order, we conclude that we lack jurisdiction to entertain this appeal. Accordingly, we

ORDER this appeal DISMISSED.

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Brent T. Adams, District Judge
Robert G. Berry, Settlement Judge
Wolfenzon Schulman
Joel A. Santos
Washoe District Court Clerk

³Bally's Grand Hotel v. Reeves, 112 Nev. 1487, 1489, 929 P.2d 936, 937 (1996).