

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENERAL MOTORS CORPORATION,
Appellant,
vs.
HERB HALLMAN CHEVROLET, INC.,
D/B/A CHAMPION CHEVROLET GEO,
Respondent.

No. 44766

FILED

OCT 14 2005

ORDER DISMISSING APPEAL

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

This is an appeal from a district court order granting a petition for judicial review, in part, and remanding the matter for further administrative proceedings. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.


When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we noted that the district court's order might not be substantively appealable because it remanded a franchise agreement modification matter for an administrative hearing on the merits, and, typically, an order of remand for further substantive proceedings finally resolves neither the claims nor the rights and liabilities of any party.¹ Therefore, it appeared that this court might lack jurisdiction to entertain this appeal.

¹See NRAP 3A(b)(1) (noting that a final judgment is appealable); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (clarifying that "a final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues"); State, Taxicab Authority v. Greenspun, 109 Nev. 1022, 1024-25, 862 P.2d 423, 424-25 (1993) (recognizing that the

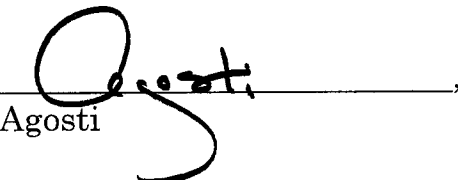
continued on next page . . .

In response to the show cause order, appellant and respondent have filed a "stipulation for dismissal of appeal for lack of jurisdiction." In their stipulation, the parties concede that the district court's order remanded the matter for further administrative proceedings on the merits, so that this court does not have jurisdiction over this appeal. Accordingly, as we agree that the district court's order is not substantively appealable, we

ORDER this appeal DISMISSED.²


Parraguirre, J.


Shearing, Sr. J.


Agosti, Sr. J.

cc: Hon. Janet J. Berry, District Judge
Margaret Springgate Evans, Settlement Judge
Walther Key Maupin Oats Cox & LeGoy
Jones Vargas/Reno
Law Office of David R. Houston
Washoe District Court Clerk

... continued

district court's order of remand to an administrative agency for proceedings on the merits was not appealable as a final judgment); accord Clark County Liquor v. Clark, 102 Nev. 654, 657-58, 730 P.2d 443, 446 (1986); Pueblo of Sandia v. Babbitt, 231 F.3d 878, 880 (D.C. Cir. 2000).

²The Honorable Miriam Shearing, Senior Justice, and the Honorable Deborah A. Agosti, Senior Justice, participated in the decision of this matter under a general order of assignment entered on July 14, 2005.