

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITIZENS FOR COLD SPRINGS; JOAN LISCOM; AND RAYMOND LISCOM,
Appellants,

vs.

CITY OF RENO; LIFESTYLE HOMES TND LLC; WOODLAND VILLAGE HOMES; WOODLAND VILLAGE NORTH LLC; H & N PROPERTIES LLC; JOSEPHINE SWEENEY TRUST; WALLACH IX LLC; DENNIS CHARLEY; JOE E. GARDNER FAMILY TRUST; ZYGMUNT TERELAK; CHRISTINE TERELAK; FRANK KURNIK; CAROLINE KURNIK; MIKE MULLEN; AND IRENE MULLEN,
Respondents.

No. 45474

FILED

MAR 31 2006

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

CITIZENS FOR COLD SPRINGS, JOAN LISCOM AND RAYMOND LISCOM,
Appellants,

vs.

CITY OF RENO; LIFESTYLE HOMES TND LLC; WOODLAND VILLAGE HOMES; WOODLAND VILLAGE NORTH LLC; H & N PROPERTIES LLC; JOSEPHINE SWEENEY TRUST; WALLACH IX LLC; DENNIS CHARLEY; JOE E. GARDNER FAMILY TRUST; CHRISTINE TERELAK; ZYGMUNT TERELAK; CAROLINE KURNIK; FRANK KURNIK; MIKE MULLEN; AND IRENE MULLEN,
Respondents.

No. 45906

ORDER DISMISSING APPEAL (DOCKET NO. 45474)
AND REINSTATING BRIEFING (DOCKET NO. 45906)

Docket No. 45474 is an appeal from a district court order denying a petition for a writ of mandamus. Docket No. 45906 is an appeal from a district court order dismissing appellants' complaint for failure to state a claim. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Our review of the docketing statements and the NRAP 3(e) documents before us reveals a jurisdictional defect in Docket No. 45474. Specifically, the right to appeal is statutory; if no statute or court rule provides for an appeal, no right to appeal exists.¹ Here, the order denying writ relief is not the final judgment,² and it is not independently appealable.³ Accordingly, we dismiss the appeal in Docket No. 45474.⁴

We reinstate briefing in Docket No. 45906 as follows. Appellants shall have 15 days from the date of this order to comply with the provisions of NRAP 9(a). Appellants shall have 120 days from the date of this order within which to file and serve the opening brief and

¹See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975).

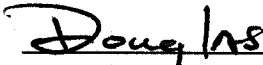
²See NRAP 3A(b)(1) (permitting an appeal from a final judgment); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000) (defining a final judgment as one that resolves all claims as to all parties).

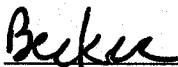
³See generally NRAP 3A(b).


⁴We conclude that appellants' challenge to the denial of writ relief is not moot. See NCAA v. University of Nevada, 97 Nev. 56, 624 P.2d 10 (1981). Thus, we deny respondents' motion to dismiss No. 45474, and appellants are free to argue in support of their mandamus petition in their appeal from the final judgment in Docket No. 45906. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (providing that this court on appeal from the final judgment may properly consider interlocutory orders).

appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Carolyn Worrell, Settlement Judge
Mark H. Gunderson, Ltd.
John L. Marshall
Reno City Attorney
Washoe District Court Clerk