IN THE SUPREME COURT OF THE STATE OF NEVADA

TJA MARKETING, LLC, A NEVADA LIMITED LIABILITY COMPANY; ALLEN ABOLAFIA; JOSEPH MILANOWSKI; AND THOMAS HANTGES, Appellants, vs. LAS VEGAS HELICOPTERS, INC., A NEVADA CORPORATION, Respondent.	No. 45560
TJA MARKETING, LLC, A NEVADA LIMITED LIABILITY COMPANY; ALLEN ABOLAFIA; JOSEPH MILANOWSKI; THOMAS HANTGES, Appellants, vs. LAS VEGAS HELICOPTERS, INC., A NEVADA CORPORATION, Respondent.	No. 45750

FILED

APR 11 2006

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

ORDER DISMISSING APPEAL IN DOCKET NO. 45560 AND LIMITING APPEAL IN DOCKET NO. 45750

Docket No. 45560 is an appeal from district court orders granting partial summary judgment, denying a motion for stay of execution and amending partial summary judgment, and granting in part an ex parte motion to quash and recall execution; a minute order; findings of fact and conclusions of law; and a judgment. Docket No. 45750 is an appeal from an amended judgment and a district court order concerning a motion for fixing the amount of a supersedeas bond and for stay of execution pending appeal. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge. Our preliminary review of the docketing statements and the documents submitted to this court pursuant to NRAP

3(e) reveals jurisdictional defects in both appeals. In particular, both notices of appeal designate orders or judgments that are not substantively appealable. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.[1]

First, the orders and judgment designated in the notice of appeal filed in Docket No. 45560 are not substantively appealable. In particular, the judgment entered on June 14, 2005, is not a final judgment because it did not dispose of all the issues presented in the case, leaving nothing for future consideration of the court.[2] Specifically, the June 14 judgment left open the issue of damages for rent due for April, May, and June 2005 and contemplated entry of a supplemental judgment resolving that issue. None of the other orders designated in the notice of appeal are independently appealable interlocutory orders, final judgments, or special orders after final judgment.[3] Because no statute or rule authorizes an

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

[2]Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

[3]See NRAP 3A(b) (listing orders that may be appealed); see also Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002) (explaining that a special order after final judgment is one that affects the rights of a party growing out of the judgment); Lee, 116 Nev. at 426, 996 P.2d at 417 ("[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 such as attorney's fees and costs."); Brunzell Constr. v. Harrah's Club, 81 Nev. 414, 419, 404 P.2d 902, 905 (1965) ("An order granting or denying a stay of proceedings is not among [the list of statutorily appealable determinations].").

appeal from the orders and judgment designated in the notice of appeal in Docket No. 45560, we lack jurisdiction over that appeal.[4]

Second, the notice of appeal in Docket No. 45750 also designates an order that is not appealable. Specifically, in addition to the final amended judgment entered on July 25, 2005, the notice of appeal designates the order concerning the amount of the supersedeas bond required to stay execution of the judgment pending appeal, which was entered on July 29, 2005. No statute or rule authorizes an appeal from such an order.[5] An order setting the amount of a supersedeas bond, moreover, does not qualify as a "special order made after final judgment,"[6] which requires that the order or judgment "affect[ ] the rights of some party to the action, growing out of the judgment previously entered."[7] Instead, an order setting a superseadeas bond amount merely "protect[s] the prevailing party from loss resulting from a stay of execution of the

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[4]The district court entered an amended judgment on July 25, 2005, that finally resolved all of the issues, including the damages for rent due for April, May, and June 2005. Appellant designated the amended judgment in the notice of appeal filed in Docket No. 45750. Appellant may challenge any interlocutory decisions in the appeal from the final judgment in Docket No. 45750. 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).

[5]See NRAP 3A(b) (listing orders that may be appealed); Brunzell, 81 Nev. at 419, 404 P.2d at 905 ("An order granting or denying a stay of proceedings is not among [the list of statutorily appealable determinations].").

[6]NRAP 3A(b)(2).

[7]Gumm, 118 Nev. at 920, 59 P.3d at 1225.

judgment."[8] Accordingly, the district court's order concerning the amount of the superseadeas bond required to stay execution of the judgment pending appeal is not appealable.

As this court lacks jurisdiction over the appeal in Docket No. 45560, it is dismissed. Moreover, as this court lacks jurisdiction over the order concerning the amount of the superseadeas bond required to stay execution of the judgment pending appeal, the appeal in Docket No. 45750 is limited to issues that may be raised on appeal from the final judgment. Briefing in Docket No. 45750 shall proceed as provided in this court's February 24, 2006, order.

It is so ORDERED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Sally L. Loehrer, District Judge
Brice Buehler, Settlement Judge
Coleman Law Associates
Jones Vargas/Las Vegas
Clark County Clerk

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[8]McCulloch v. Jeakins, 99 Nev. 122, 123, 659 P.2d 302, 303 (1983), modified on other grounds by Nelson v. Heer, 121 Nev. ___, 122 P.3d 1252 (2005).