


IN THE SUPREME COURT OF THE STATE OF NEVADA

LEHRER MCGOVERN BOVIS, INC.  
AND TRAVELERS' CASUALTY &  
SURETY COMPANY,  
Appellants,  
vs.  
SCOTT COMPANY OF CALIFORNIA,  
Respondent.

No. 45862

**FILED**

**MAR 28 2006**

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

ORDER DISMISSING APPEAL

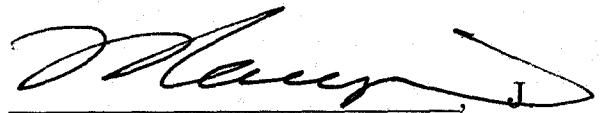
This is an appeal from a district court order denying appellants' motion to "enjoin" respondent from pursuing any recovery or enforcement of any mechanic's lien claims pending the completion of a related district court case. Our review of the documents before us reveals a jurisdictional defect. Specifically, the order designated in the notice of appeal is not substantively appealable. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.<sup>1</sup> Although NRAP 3A(b)(2) provides for an appeal from an order refusing to grant an injunction, no appeal may be taken from an order refusing to stay a district court order or refusing to continue trial.<sup>2</sup> In this

<sup>1</sup>Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

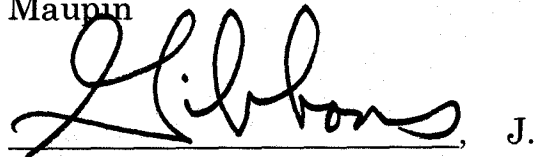
<sup>2</sup>See Brunzell Constr. v. Harrah's Club, 81 Nev. 414, 419, 404 P.2d 902, 905 (1965) (stating that "[a]n order granting or denying a stay of proceedings is not among [the list of statutorily appealable decisions]"); Arkansas Dept. of Human Services v. Hudson, 994 S.W.2d 488 (Ark. 1999) (refusing to construe an order staying an agency's decision as an injunction, because it did not determine issues presented in the complaint).

case, although appellants' motion for "injunctive relief" attempts to restrain respondent from pursuing mechanic's lien foreclosures, the motion essentially seeks to have the district court stay its decision in Phase I of the proceedings and to stay the Phase II trial pending the completion of a related district court case. Consequently, this appeal does not involve an order denying injunctive relief. Accordingly, we dismiss this appeal.

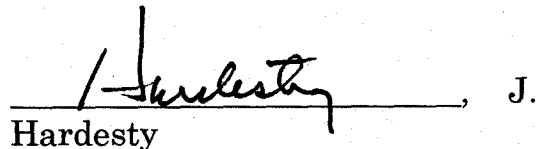
It is so ORDERED.<sup>3</sup>



Maupin



Gibbons



Hardesty

cc: Hon. Mark R. Denton, District Judge  
Lester H. Berkson, Settlement Judge  
Griffin Cochrane & Marshall  
Harrison Kemp & Jones, LLP  
Beckley Singleton, Chtd./Las Vegas  
Peel Brimley LLP  
Clark County Clerk

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<sup>3</sup>We deny appellants' motion for a stay and respondent's motion to dismiss as moot in light of this order.