

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN STRAHAN, AN INDIVIDUAL,
Appellant,
vs.
WASHOE COUNTY; AND WASHOE
COUNTY SHERIFF'S SUPERVISORY
DEPUTIES ASSOCIATION,
Respondents.

No. 46024

FILED

APR 21 2006

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

ORDER DISMISSING APPEAL

This is an appeal from district court orders granting a motion to dismiss a complaint with prejudice and granting a motion for sanctions. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. 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 directed appellant to show cause why the appeal should not be dismissed for lack of jurisdiction. Specifically, we noted that the notice of appeal may have been untimely filed as to the order dismissing the complaint and that the order awarding sanctions under NRCP 11 may not be substantively appealable.

Appellant filed a timely response to our order. First, appellant concedes that the notice of appeal was untimely filed as to the order dismissing the complaint. Second, appellant argues that the order awarding sanctions is appealable. Specifically, appellant argues that an order imposing sanctions against a party "is appealable once final judgment has been entered" and that an order imposing sanctions against a nonparty attorney "is a final order and is immediately appealable as a

collateral order.” Appellant cites decisions from the Ninth Circuit Court of Appeals in support of those arguments. Having considered appellant’s response, we conclude that we lack jurisdiction over this appeal for two reasons.

First, the notice of appeal was untimely filed as to the district court’s order dismissing the complaint with prejudice. The district court entered the order granting the motion to dismiss the complaint on August 11, 2005. Appellant was served by mail with written notice of entry of the order on August 18, 2005. The notice of appeal was filed in the district court on September 26, 2005, after the 30-day appeal period prescribed by NRAP 4(a)(1).¹

Second, the order awarding sanctions under NRCP 11 is not substantively appealable. The order awarding sanctions was entered after the final judgment in this case. However, to qualify as an appealable special order after final judgment, the order must affect the rights of a party flowing from the final judgment.² The district court’s order awarding \$5,000 as a sanction does not appear to affect any rights previously settled by the district court. Additionally, this court has rejected the collateral order doctrine relied on in the federal decisions cited by appellant³ and has held that an attorney has no right to appeal a

¹See NRAP 26(c).


²See Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002).

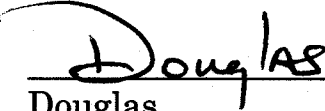
³State, Taxicab Authority v. Greenspun, 109 Nev. 1022, 862 P.2d 423 (1993). We note that it is not clear whether the collateral order doctrine would even apply since it seems to be directed at interlocutory orders and the sanction order in this case was not an interlocutory order.

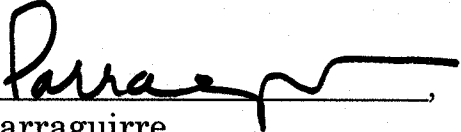
sanction order when the attorney was not a party to the underlying civil action.⁴

For the reasons stated above, we conclude that we lack jurisdiction over this appeal, and we therefore

ORDER this appeal DISMISSED.


_____, C.J.
Rose


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Patrick O. King, Settlement Judge
Jeffrey A. Dickerson
Michael E. Langton
Washoe County District Attorney Richard A. Gammick /Civil
Division
Washoe District Court Clerk

⁴Albany v. Arcata Associates, 106 Nev. 688, 799 P.2d 566 (1990).