

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANET M. GUINN,  
Appellant,

vs.

THE STATE OF NEVADA BOARD OF  
PSYCHOLOGICAL EXAMINERS; AND  
NEVADA MENTAL HEALTH

INSTITUTE,  
Respondents.

JANET M. GUINN,  
Appellant,

vs.

THE STATE OF NEVADA BOARD OF  
PSYCHOLOGICAL EXAMINERS,

Respondent.

No. 46206

**FILED**

DEC 27 2005

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

No. 46207

ORDER DISMISSING APPEAL (NO. 46206) AND  
DIRECTING TRANSMISSION OF RECORD (NO. 46207)

These proper person appeals challenge district court orders granting a motion to quash a subpoena and refusing to grant a continuance (No. 46206) and awarding attorney fees (No. 46207). Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Docket No. 46206

Our review of the appeal in Docket No. 46206 reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>1</sup> NRAP 3A(b)(1) authorizes an appeal from a district court's final written order.<sup>2</sup> A final written order "disposes of all the issues presented in the case, and

<sup>1</sup>See NRAP 3A(b); Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

<sup>2</sup>Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991).

leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney's fees and costs."<sup>3</sup> No statute or court rule, however, provides for an appeal from an order granting a motion to quash a subpoena. Likewise, an order refusing to continue trial is not substantively appealable.<sup>4</sup> Accordingly, we lack jurisdiction to review the underlying district court order in this appeal.

Additionally, even if we were to construe the appeal as from the final order in this case, which dismissed appellant's action with prejudice, it appears that notice of that order's entry was served in July 2005. Consequently, appellant's October 26, 2005 notice of appeal is untimely as to the final order.<sup>5</sup> Accordingly, as we lack jurisdiction, we dismiss the appeal in Docket No. 46206.<sup>6</sup>

Docket No. 46207

In Docket No. 46207, however, appellant has timely appealed from a special order made after final judgment, awarding respondent attorney fees.<sup>7</sup> Accordingly, we conclude that our review of the complete

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<sup>3</sup>Lee, 116 Nev. at 426, 996 P.2d at 417.

<sup>4</sup>Rosenthal v. Rosenthal, 39 Nev. 74, 76, 153 P. 91, 92 (1915) (noting that "[a]n order of the trial court in allowing or dismissing [a] motion for continuance is not of itself an appealable order").

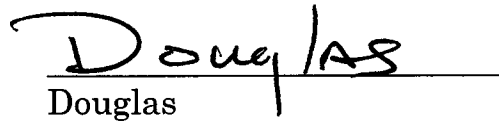
<sup>5</sup>See NRAP 4(a); NRAP 26(c).

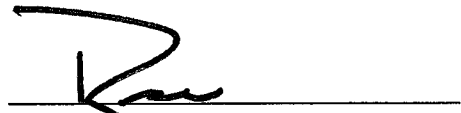
<sup>6</sup>We deny as moot appellant's request for transcripts in Docket No. 46206.

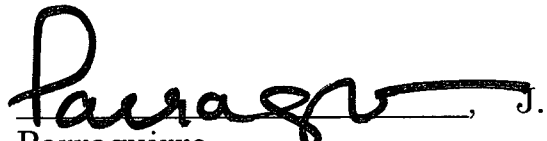
<sup>7</sup>Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002) (citing Smith v. Crown Financial Services, 111 Nev. 277, 280 n. 2, 890 P.2d 769, 771 n. 2 (1995)).

record is warranted.<sup>8</sup> Within 120 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. CV00-05836.<sup>9</sup> The record shall not include any exhibits filed in the district court.<sup>10</sup>

It is so ORDERED.<sup>11</sup>

 J.  
Douglas

 J.  
Rose

 J.  
Parraguirre

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<sup>8</sup>See NRAP 10(a)(1). We defer ruling on appellant's request for transcripts in Docket No. 46207.

<sup>9</sup>See NRAP 11(a)(2) (providing that the complete record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court, as well as any previously prepared transcripts of the district court proceedings).

<sup>10</sup>To the extent that appellant's notice of appeal in Docket No. 46207 mentions interlocutory district court orders, we note that interlocutory orders may be challenged only on appeal from a final judgment, and thus may not be considered from within the context of an appeal from a special order made after final judgment. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (noting that this court may review interlocutory orders within the context of an appeal from a final order); cf. NRAP 3A(b)(2).

<sup>11</sup>Because the proper person civil appeal statement appellant filed in Docket No. 46206 (unlike the statement filed in Docket No. 46207) appears to address issues relating to the district court's order awarding attorney fees, we direct the clerk of this court to transfer that statement to Docket No. 46207.

cc: Hon. Brent T. Adams, District Judge  
Janet M. Guinn  
Attorney General George Chanos/Carson City  
Washoe District Court Clerk