

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANNY OPREA AND MELVIN  
HOFFMAN,  
Appellants,  
vs.  
JOHN BADEA,  
Respondent.

No. 46602

**FILED**

MAR 01 2006

ORDER DISMISSING APPEAL

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

This is a proper person appeal from a district court's oral ruling granting respondent John Badea's motion to strike appellant Melvin Hoffman's answer and denying motions to dismiss filed by both Hoffman and Badea. Hoffman also seeks to appeal from "any order, default, and/or default judgment" entered by the district court. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(e) reveals several jurisdictional defects in this appeal. First, with regard to the district court's December 19, 2005 oral ruling, we note that no appeal may be taken from an oral ruling issued by the district court.<sup>1</sup> Moreover, this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.<sup>2</sup> No rule or statute authorizes an appeal from either the granting of a motion to strike or the denial of a motion to dismiss; thus these orders are not substantively

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<sup>1</sup>Rust v. Clark Cty. School District, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (noting that only a written judgment has any effect, and thus, only a written judgment may be appealed).

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

appealable.<sup>3</sup> Accordingly, we lack jurisdiction over any appeal from the district court's December 19 ruling.

Additionally, appellant Hoffman seeks to appeal from "any order, default, and/or default judgment" entered by the district court. We note first that no rule or statute authorizes an appeal from an order entering a default against a party and thus, to the extent that either Hoffman or appellant Danny Oprea seek to challenge any order entering a default against them, we lack jurisdiction over the appeal.<sup>4</sup> A written order entering a default judgment against either or both appellants, in contrast, could potentially be appealable, provided that the party appealing is aggrieved by the default judgment<sup>5</sup> and that the default judgment is either the final judgment in the underlying case<sup>6</sup> or is properly certified as final pursuant to NRCP 54(b). Here, however, the

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<sup>3</sup>See NRAP 3A(b) (listing orders and judgments from which an appeal may be taken); Taylor, 100 Nev. 207, 678 P.2d 1152.


<sup>4</sup>See NRAP 3A(b); Taylor, 100 Nev. 207, 678 P.2d 1152. Cf. Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975) (concluding that an order setting aside an entry of default is not appealable). We note that, although the district court docket entries indicate that a default was entered against Oprea on December 21, 2005, it does not appear that any default has been entered against Hoffman.

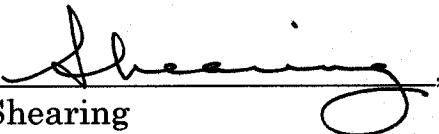
<sup>5</sup>See NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) (noting that a party is aggrieved when a district court's ruling adversely and substantially affects either a personal right or a right of property).

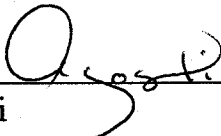
<sup>6</sup>See Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment as one that disposes of all the issues presented in a case and leaves nothing for the future consideration of the court except for post-judgment issues such as attorney fees and costs).

docket entries do not reflect the entry of a default judgment against either Hoffman or Oprea in the underlying case. Moreover, the docket entries do not reflect the entry of any other appealable orders by the district court. Accordingly, we conclude that we lack jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.<sup>7</sup>

  
\_\_\_\_\_, C.J.  
Rose

  
\_\_\_\_\_, Sr. J.  
Shearing

  
\_\_\_\_\_, Sr. J.  
Agosti

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Melvin Hoffman  
Danny Oprea (no address information available)  
John Badea  
Clark County Clerk

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<sup>7</sup>In light of this order, we deny as moot Hoffman's motion for a stay, and all other motions and requests for relief currently pending in this appeal. The Honorable Miriam Shearing, Senior Justice, and the Honorable Deborah A. Agosti, Senior Justice, participated in the decision of this matter under general orders of assignment entered on January 6, 2006.