

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEN MORROW,  
Appellant,  
vs.  
PAYROLL SOLUTIONS, INC.,  
Respondent.

No. 46805

**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 that stayed enforcement of a foreign judgment. Eighth Judicial District Court, Clark County; Nancy M. Saitta. Respondent has moved to dismiss this appeal for lack of jurisdiction. Appellant opposes the motion.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.<sup>1</sup> No such authorization exists for an order staying enforcement of a foreign judgment.<sup>2</sup>

Contrary to appellant's assertion, which he bases on language in the order stating that the foreign judgment was not entitled to full faith and credit, the appealed order cannot be characterized as a final judgment. In particular, the order goes on to specifically provide that further proceedings are necessary to determine issues regarding the

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

<sup>2</sup>See NRAP 3A(b); cf. 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 determinations]").

foreign court's personal jurisdiction over respondent—i.e., to determine the enforceability of the foreign judgment.<sup>3</sup> Thus, the order at issue is not a final order that disposes of all the issues presented in the case and leaves nothing for the future consideration of the court.<sup>4</sup>

Nor does the order qualify as a special order made after final judgment, appealable under 3A(b)(2), because the designated order does not affect the rights incorporated in the judgment.<sup>5</sup> That is, the parties' liability on the foreign judgment is the same both before and after the order staying its enforcement.

Appellant further contends that, based on NRS 17.370(2), the purpose of staying enforcement of a foreign judgment is to facilitate appellate review. If there was any basis for granting a stay, appellant argues, it was to facilitate an appeal under NRS 17.370(2). Appellant's reliance on NRS 17.370(2) to demonstrate that this appeal is authorized is misplaced. That statute merely provides some bases on which to stay

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<sup>3</sup>See Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (clarifying that "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"); First Interstate Bank v. H.C.T., Inc., 108 Nev. 242, 250, 828 P.2d 405, 410 (1992) (recognizing, in a similar context, that an appeal raising an issue as to the enforceability of a foreign judgment was not properly before this court because the district court had not yet decided the issue); see also Clint Hurt & Assocs. v. Silver State Oil, 111 Nev. 1086, 901 P.2d 703 (1995) (recognizing that a foreign court's lack of jurisdiction could preclude giving full faith and credit to the foreign court's judgment, but concluding that the judgment was valid).


<sup>4</sup>See Lee, 116 Nev. at 426, 996 P.2d at 417; NRAP 3A(b)(1).

<sup>5</sup>See Gumm v. Mainor, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002).

enforcement of a foreign judgment. It does not, however, render appealable an order staying enforcement of a foreign judgment.

Finally, the order cannot be construed as an order granting an injunction, also appealable under NRAP 3A(b)(2).<sup>6</sup> Consequently, this court lacks jurisdiction to consider this appeal, and we

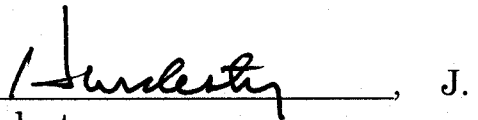
ORDER this appeal DISMISSED.<sup>7</sup>

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

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<sup>6</sup>See Dodge Bros. v. General Petroleum Corp., 54 Nev. 245, 249, 10 P.2d 341, 342 (1932) (Ducker, J., concurring) (recognizing that injunctions either restrain a person from doing or require a person to do a particular act); accord Arkansas Dept. of Human Resources v. Hudson, 994 S.W.2d 488, 489-90 (Ark. 1999) (refusing to hold “that a preliminary order which does not finally resolve or determine any part of [an] action is equivalent to an injunction for purposes of appeal”).

<sup>7</sup>We construe appellant’s February 22, 2006 “Motion to Enjoin Re-Litigation Proceedings Pending Appeal,” as a motion for a stay. In light of this order, the motion is denied as moot.

Further, we deny respondent’s request that this court sanction appellant.

cc: Hon. Nancy M. Saitta, District Judge  
Ara H. Shirinian, Settlement Judge  
Peter Dubowsky  
Andrew L. Rempfer  
Clark County Clerk