

IN THE SUPREME COURT OF THE STATE OF NEVADA

INTEGRITY ELECTRIC, INC.,  
Appellant,  
vs.  
GARRY HART AND HARTCO  
CONSTRUCTION, INC.,  
Respondents.

No. 46231

**FILED**

APR 26 2006

INTEGRITY ELECTRIC, INC.,  
Appellant,  
vs.  
GARRY HART AND HARTCO  
CONSTRUCTION, INC.,  
Respondents.

No. 46836  
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL (DOCKET NO. 46836)  
AND DENYING STAY (DOCKET NO. 46231)

Docket No. 46231 is an appeal from a special order after final judgment, specifically, a district court order awarding attorney fees and costs to respondents and denying fees and costs to appellant. Docket No. 46836 is an appeal from a district court order granting a stay pending appeal and setting the supersedeas bond amount. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Our review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect in Docket No. 46836. The right to appeal is statutory; if no statute

or court rule provides for an appeal, no right to appeal exists.<sup>1</sup> No rule or statute provides for an appeal from an order setting a bond amount<sup>2</sup> or from a stay.<sup>3</sup> In addition, the order is not a special order after final judgment, because it does not modify the rights of any party arising from the final judgment.<sup>4</sup> Accordingly, as we lack jurisdiction, we dismiss the appeal in Docket No. 46836.

Appellant filed a motion to stay the portion of the order setting the bond amount and seeks to stay a hearing on a motion for contempt. Appellant submitted the motion under Docket No. 46231, but since the motion concerned the order appealed from in Docket No. 46836, this court's clerk filed the motion in Docket No. 46836. Since we are dismissing Docket No. 46836, we direct the clerk to transfer the motion to Docket No. 46231 and we will consider the motion in that appeal.

Appellant's motion suggests that the district court cannot enforce the judgment while this appeal is pending. But unless a stay is granted, the district court's judgment may be enforced while an appeal is pending.<sup>5</sup> Here, the district court granted a stay, conditioned on appellant posting a supersedeas bond in the amount of \$23,538.80. The district

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

<sup>2</sup>See generally NRAP 3A(b) (listing appealable orders).

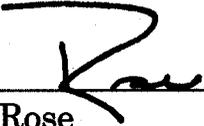
<sup>3</sup>See Brunzell Constr. v. Harrah's Club, 81 Nev. 414, 419, 404 P.2d 902, 905 (1965).

<sup>4</sup>See Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002).

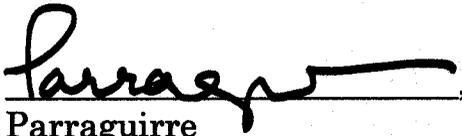
<sup>5</sup>See NRCP 62(a) (providing that a judgment may be enforced after 10 days from when written notice of entry is served); NRCP 62(d) (stating that an appellant may obtain a stay by giving a supersedeas bond).

court has discretion to set the bond amount,<sup>6</sup> and appellant has not demonstrated that the district court abused that discretion. Accordingly, we deny appellant's motion for stay.

It is so ORDERED.

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Stephen E. Haberfeld, Settlement Judge  
Nancy F. Avanzino-Gilbert  
Cuthbert E.A. Mack  
Clark County Clerk

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<sup>6</sup>See Nelson v. Heer, 121 Nev. \_\_\_, 122 P.3d 1252 (2005).