IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER E. STRATTON; JAMES JOHN PERI; AND PERI & SONS FARMS, INC., A NEVADA CORPORATION,
Appellants,
vs.
JUANITA R. DUNCAN, INDIVIDUALLY AND AS SPECIAL ADMINISTRATOR OF THE ESTATE OF LARRY THOMAS DUNCAN, DECEASED; GREGORY DUNCAN, DEBRA DUNCAN; BRENDA KASPER; AND LYNNE BROWN,
Respondents.

No. 46947

FILED

APR 06 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting respondents' motion for a new trial. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect. Specifically, it appeared that the judgment or order designated in the notice of appeal is not substantively appealable.[1] This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.[2] In Reno Hilton Resort

[1]See NRAP 3A(b).

[2]Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

07-07710

Corp. v. Verderber, this court stated that NRAP 3A(b)(2) "permits an independent appeal only from a post-judgment order granting or denying a new trial."[3] That an order must be final "before an appeal may be taken is not merely technical, but is a crucial part of an efficient justice system."[4] In the instant case, the district court's order granting respondents' motion for a new trial was interlocutory—no final judgment had been entered memorializing the jury verdict. Accordingly, we ordered appellants to show cause why the appeal should not be dismissed for lack of jurisdiction.

In his response to this court's order to show cause, appellant Stratton argues that the holding in Verderber is not applicable because, in the instant case, the trial was not bifurcated and the order granting respondents' motion for a new trial "cannot reasonably be characterized as an interlocutory order." In his response, appellant Peri also distinguishes the instant case from Verderber, and claims that although no judgment was entered, the jury's verdict "left nothing for future consideration of the district court," and therefore, was the "final judgment." In their reply to appellants' responses, respondents dispute appellants' claims and argue that a verdict is not the equivalent of a final judgment, and that the order granting their motion for a new trial "is the very epitome of an interlocutory order."

We are not persuaded by appellants' arguments and conclude that this appeal must be dismissed. As quoted above, this court in Verderber stated that NRAP 3A(b)(2) "permits an independent appeal only

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[3]121 Nev. 1, 3, 106 P.3d 134, 135 (2005).

[4]Id. at 5, 106 P.3d at 136-37.

from a post-judgment order granting or denying a new trial."[5] In an earlier case, this court explained that "a jury's decision is . . . impermanent until it has been submitted to and accepted by the trial court."[6] And finally, NRCP 58(c) provides that "[t]he filing with the clerk of a judgment, signed by the judge, . . . constitutes the entry of such judgment, and no judgment shall be effective for any purpose until the entry of the same." In the instant case, no judgment was entered by the district court clerk memorializing the jury's verdict, and therefore, the order granting respondents' motion for a new trial was interlocutory and not independently appealable.

Accordingly, we

ORDER this appeal DISMISSED.

Parraguirre, J.
Parraguirre

Hardesty, J.
Hardesty

Douglas, J.
Douglas

cc: Hon. Connie J. Steinheimer, District Judge
Leonard I. Gang, Settlement Judge
Emerson & Manke, LLP
Lemons Grundy & Eisenberg
Thorndal Armstrong Delk Balkenbush & Eisinger/Reno
Peter Chase Neumann
Washoe District Court Clerk

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[5]Id. at 3, 106 P.3d at 135 (emphasis added).

[6]Canterino v. The Mirage Casino-Hotel, 118 Nev. 191, 194, 42 P.3d 808, 810 (2002) (citing Perkins v. Komarnyckyj, 834 P.2d 1260 (Ariz. 1992)).