

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHELLE ADAMS,
Appellant,
vs.
AARGON COLLECTION AGENCY,
Respondent.

No. 45985

MICHELLE ADAMS,
Appellant,
vs.
AARGON COLLECTION AGENCY,
Respondent.

No. 47613

FILED

SEP 08 2006

ANNETTE M. BLOOM
CLERK OF SUPREME COURT
[Signature]
DEPUTY CLERK

ORDER DISMISSING APPEAL IN DOCKET NO. 47613,
DENYING MOTION TO VACATE DISMISSAL OF APPEAL IN DOCKET
NO. 45985, AND DENYING MOTION TO CONSOLIDATE APPEALS

These are two unconsolidated proper person appeals from a district court's oral pronouncements in an appeal of a matter arising in a justice's court. Eighth Judicial District Court, Clark County; Nancy M. Saitta, Judge.

On November 17, 2005, this court entered an order dismissing the appeal in Docket No. 45985. In dismissing that appeal, we noted that the district court had not entered a final written judgment or order, rendering the appeal premature,¹ and that district courts have final

¹NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (stating 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 such as attorney's fees and costs"); 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).

appellate jurisdiction over appeals from justice's court orders.² For both of these reasons, we concluded that we lacked jurisdiction over the appeal in Docket No. 45985 and ordered the appeal dismissed. The remittitur for this appeal issued on December 14, 2005.

On August 7, 2006 appellant filed a motion to vacate the dismissal of this appeal and to consolidate it with the one pending in Docket No. 47613, which stems from the same underlying case.³ We conclude that appellant's contention that this court should excuse the absence of a written order as "excusable neglect" and vacate the dismissal of the appeal in Docket No. 45985 lacks merit. Appellant's focus on the absence of a written order as being the basis for the dismissal of this appeal ignores the alternative basis given for this court's decision, specifically, that this court lack's jurisdiction to hear appeals from matters arising in justice's courts.⁴ District courts have final appellate jurisdiction over all cases arising in the justice's courts.⁵ Thus, even if a written order

²Nev. Const. art. 6, § 6; see also Waugh v. Casazza, 85 Nev. 520, 521, 458 P.2d 359, 360 (1969) (noting that "[t]he district court has final appellate jurisdiction in cases arising in the justice's court").

³Although appellant seeks to vacate the previous dismissal, rather than making arguments related to a rehearing of this court's decision under NRAP 40(c), we note that the time for seeking rehearing of this court's dismissal of the appeal in Docket No. 45985 has long since passed. See NRAP 40(a)(1) (stating that a petition for rehearing may be filed within 18 days after the filing of the court's decision).

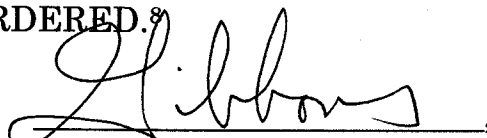
⁴Waugh, 85 Nev. at 521, 458 P.2d at 360 (citing Nev. Const. art. 6, § 6, for the proposition that "[t]he district court has final appellate jurisdiction in cases arising in the justice's court").


⁵Id.


had been entered by the district court, the appeal would still have been dismissed, as this court would still lack jurisdiction over it because the underlying matter arose in a justice's court.⁶ Accordingly, we deny appellant's motion to vacate the dismissal of the appeal in Docket No. 45985. Because we deny the motion to vacate, we also deny the motion to consolidate that appeal with the appeal in Docket No. 47613.

In Docket No. 47613, appellant seeks to appeal from further oral rulings by the district court in the underlying case. As previously noted, the underlying case is an appeal from an order entered by the justice's court. Because this court lacks jurisdiction over appeals from matters arising in the justice's court, we lack jurisdiction over this appeal.⁷ Accordingly, we order the appeal in Docket No. 47613 dismissed.

It is so ORDERED.⁸


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

⁶Id.

⁷Id. We note that the fact that the district court has not entered a final, written judgment constitutes an independent basis for dismissing this appeal. See NRAP 3A(b)(1); Lee, 116 Nev. at 426, 996 P.2d at 417; Rust, 103 Nev. at 689, 747 P.2d at 1382.

⁸In light of this order, we deny as moot all motions and requests for relief currently pending in Docket Nos. 45985 and 47613.

cc: Hon. Nancy M. Saitta, District Judge
Michelle Adams
Zimmerman & Associates, Ltd.
Clark County Clerk