

IN THE SUPREME COURT OF THE STATE OF NEVADA

NORTH AMERICAN VIDEO, INC.,  
Appellant,

vs.

DANIEL DIETRICH; AND NATIONAL  
SURVEILLANCE SYSTEMS, LLC,  
Respondents.

No. 48560

**FILED**

OCT 12 2007

JAQUETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Bloom*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a short trial judgment and an order dismissing a petition for judicial review. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Our preliminary review of the docketing statement and documents submitted to this court pursuant to NRAP 3(e) revealed two potential jurisdictional defects. First, it appeared that the order dismissing appellant's petition for judicial review and motion to vacate or correct the short-trial judgment was not substantively appealable. Second, it appeared that under the governing rules and the parties' stipulation, the judgment entered on the short-trial verdict was not appealable<sup>1</sup> and that, if it was substantively appealable, the notice of

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<sup>1</sup>Compare NSTR 16 (2004) ("The scope of judicial review of a short trial verdict is limited to the statutory provisions of NRS 38.115 for modification or correction of award and NRS 38.145 for vacating award."), with NSTR 33 ("Any party to a case within the short trial program shall have a right to file a direct appeal of the final judgment to the supreme court under the provisions of the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure.").

appeal was not timely filed in the district court.<sup>2</sup> Accordingly, this court ordered appellant to show cause why this appeal should not be dismissed. On the same day, respondents served a motion to dismiss this appeal on grounds similar to those identified in the order to show cause.

Appellant has filed a combined response to the show cause order and opposition to the motion to dismiss. In its response, appellant represents that it is seeking appellate review of the order denying its petition for judicial review, not the short-trial judgment. Thus, we need only address the jurisdictional issues with respect to the district court order denying appellant's petition for judicial review. With respect to that order, appellant argues that the order is appealable under the appeal statute in the Uniform Arbitration Act or under NRAP 3A(b)(2) as a special order made after final judgment. Respondents disagree with both arguments.

Having considered the parties' arguments, we conclude that we lack jurisdiction over this appeal. The parties stipulated to enter the short-trial program using the judicial review language from former NSTR 16.<sup>3</sup> That provision allowed for limited review in the district court based

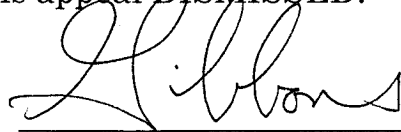
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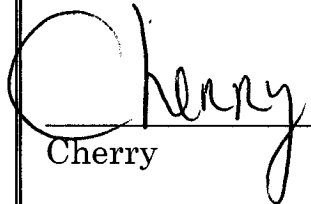
<sup>2</sup>See NRAP 4(a)(1).

<sup>3</sup>The parties' stipulation cannot provide for jurisdiction beyond that allowed by court rule or statute. See Salaiscooper v. Dist. Ct., 117 Nev. 892, 899, 34 P.3d 509, 514 (2001) ("Where a tribunal has no jurisdiction, it is well-recognized that jurisdictional limits cannot be expanded by a stipulation amongst the parties."); see also Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984) (explaining that this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule).

on the statutory grounds for vacating an arbitration award. The rule did not otherwise provide for review in this court or incorporate the appeal provisions found in the Uniform Arbitration Act. Moreover, because the district court's order did not alter or affect the rights of a party incorporated in the short-trial judgment, we conclude that the order is not appealable under NRAP 3A(b)(2) as a special order made after final judgment.<sup>4</sup> For these reasons, we grant respondents' motion and

ORDER this appeal **DISMISSED**.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Janet Trost, Settlement Judge  
Kirk T. Kennedy  
Adams & Rocheleau, LLC  
Eighth District Court Clerk

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<sup>4</sup>See Gumm v. Mainor, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002) (holding that, to be appealable under NRAP 3A(b)(2), a special order made after final judgment “must be an order affecting the rights of some party to the action, growing out of the judgment previously entered”).