

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNITED INSURANCE COMPANY OF
AMERICA, AN ILLINOIS
CORPORATION,
Appellant,
vs.
CHAPMAN INDUSTRIES, AN
ILLINOIS LIMITED PARTNERSHIP;
MYRON CHAPMAN, AS GENERAL
PARTNER OF CHAPMAN
INDUSTRIES AND AS AN
INDIVIDUAL SHAREHOLDER; AND
AUDREY SCHLOSSBERG,
Respondents.

No. 48717

FILED

MAY 08 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order denying a motion to deposit the judgment amount with the district court pursuant to NRCP 67 and to enter satisfaction of judgment. Second Judicial District Court, Washoe County; Janet J. Berry, 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 district court's order might not be substantively appealable.¹

The right to appeal is statutory; where no statute or court rule authorizes an appeal, no right to an appeal exists.² No statute or court

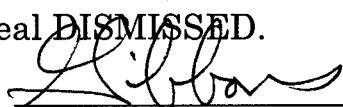
¹See NRAP 3A(b).

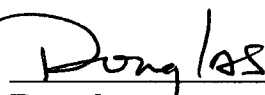
²Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 679 P.2d 1152 (1984).

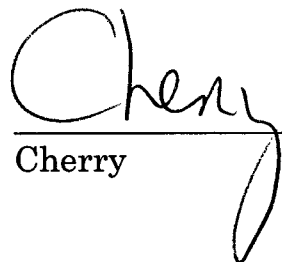
rule authorizes an appeal from an order denying a motion to deposit a judgment with the district court and to enter satisfaction of judgment. In the docketing statement, appellant asserted that such an order is appealable as a special order after final judgment.³ A special order after final judgment is one that affects the rights of a party growing out of the final judgment.⁴ It did not appear that the prior judgment entered against appellant in favor of respondents incorporated a right of appellant to satisfy the judgment in any particular manner, such as under the provisions of NRCP 67. Therefore, it appeared that the order being appealed does not affect appellant's rights growing out of the final judgment and therefore is not a special order after final judgment. Accordingly, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

Appellant has filed a response to the show cause order, and respondents have filed a reply to that response. Having reviewed these documents, we conclude that the order being appealed is not a special order after final judgment, and therefore we lack jurisdiction to consider this appeal. Accordingly, we

ORDER this appeal **DISMISSED**.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

³NRAP 3A(b)(2).

⁴Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002).

cc: Hon. Janet J. Berry, District Judge
Burton Bartlett & Glogovac
Lemons Grundy & Eisenberg
Hoy & Hoy
Washoe District Court Clerk