

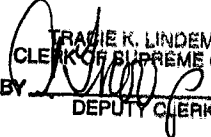
IN THE SUPREME COURT OF THE STATE OF NEVADA

MDM TRUST AND TERRY MOSLEY,
TRUSTEE OF THE MDM TRUST; AND
TERRY MOSLEY, AN INDIVIDUAL,
Appellants,
vs.
MATTHEW Q. CALLISTER,
Respondent.

No. 48842

FILED

JAN 09 2008

TRAVIS K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER CONCLUDING SETTLEMENT PROCEEDINGS
AND DISMISSING APPEAL

This is an appeal from a district court order denying a motion to amend a judgment on an attorney's lien. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge. Respondent Matthew Callister withdrew from representing appellants in the underlying, district court action (No. A487012) and subsequently obtained an order and judgment on an attorney's lien in the same action. Appellants then moved to amend the order and judgment on the attorney's lien, which the district court denied. Appellants appeal from the order denying their motion to amend the order and judgment on the attorney's lien.

Pursuant to NRAP 16, the settlement judge has filed a report with this court indicating that the parties were unable to agree to a settlement. Accordingly, the settlement proceedings are concluded.

Our review of the docketing statement and documents submitted to this court pursuant to NRAP 3(e) reveals a jurisdictional

defect. Specifically, the order designated in the notice of appeal is not substantively appealable.¹

This court has held that an order denying a motion to alter or amend a judgment is not appealable.² But this court has indicated that a notice of appeal from such an order may be treated as indicating the appellant's intent to appeal from the underlying judgment to the extent that the underlying judgment is appealable.³ Appellants suggest that the order and judgment on the attorney's lien is appealable as a final judgment under NRAP 3A(b)(1).⁴ We disagree.

As this court has explained in Lee v. GNLV Corp., a final judgment for purposes of NRAP 3A(b)(1) is one that disposes of all the issues presented in the case, and leaves nothing for future consideration of the court, except certain post-judgment matters.⁵ Additionally, this court

¹See NRAP 3A(b).

²Uniroyal Goodrich Tire v. Mercer, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995).

³See id.

⁴Appellants made these arguments in their docketing statement in response to directives 20 and 26. Appellant Terry Mosley also made these arguments in connection with another appeal from an order and judgment on an attorney's lien that respondent obtained against her in another district court action. That appeal is docketed in this court as Docket No. 48843. In that case, this court issued an order directing Mosley to show cause why the appeal should not be dismissed for lack of jurisdiction. Mosley v. Callister, Docket No. 48843 (Order to Show Cause, September 25, 2007). In response to that order, Mosley also addressed this court's jurisdiction over this appeal.

⁵116 Nev. 424, 996 P.2d 416 (2000).

has stated that there cannot be more than one final judgment in an action.⁶

In this case, the district court has not yet entered a final judgment as not all of the claims between the parties to the action have been resolved. And, contrary to appellants' suggestions in the docketing statement, the proceedings on the attorney's lien did not amount to a separate action. The district court adjudicated appellants' and respondent's rights and enforced the lien in the context of the underlying district court action. The fact that the order could be characterized as being collateral to that action does not make it a separate final judgment for purposes of NRAP 3A(b)(1).⁷ We therefore conclude that the order and judgment on the attorney's lien is not appealable under NRAP 3A(b)(1).

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.⁸ Because no statute or rule appears to authorize an appeal from an order denying a motion to amend an order or judgment on an attorney's lien or from an interlocutory order

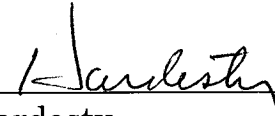
⁶Alper v. Posin, 77 Nev. 328, 363 P.2d 502 (1961).

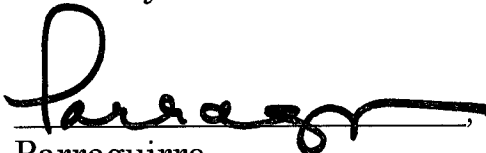
⁷See State, Taxicab Authority v. Greenspun, 109 Nev. 1022, 1025, 862 P.2d 423, 425 (1993) (declining to adopt "collateral order doctrine" (citing Occidental Petroleum Corp. v. S.E.C., 873 F.2d 325, 328-39 (D.C. Cir. 1989) (explaining that "collateral order" exception to final judgment rule for federal appellate court jurisdiction provides that certain orders that are not final may be appealed as of right if the order is a conclusive determination of the disputed question, resolves an important issue that is completely separate from the merits of the action, and would be effectively unreviewable on appeal from a final judgment))).

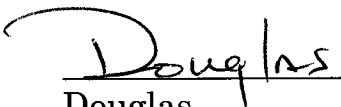
⁸Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

and judgment on an attorney's lien, we conclude that we lack jurisdiction over this appeal. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Jessie Elizabeth Walsh, District Judge
Ara H. Shirinian, Settlement Judge
Goold Patterson Ales & Day
Callister & Reynolds
Eighth District Court Clerk