IN THE SUPREME COURT OF THE STATE OF NEVADA

TIFFANY SUE BARNEY, F/K/A TIFFANY SUE KAUFUSI,
Appellant,
vs.
MALAKAI KAUFUSI AND CHRISTOPHER TILMAN, FORMER GUARDIAN AD LITEM FOR GIADA KAUFUSI,
Respondents.

No. 48859

FILED

MAY 29 2007

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order in a child custody proceeding. Eighth Judicial District Court, Family Court Division, Clark County; Jennifer Elliott, Judge. Respondent Christopher Tilman has filed a motion to dismiss this appeal. Appellant Tiffany Sue Barney opposes the motion.

Having considered the motion and opposition, we conclude that this court lacks jurisdiction over this appeal on two grounds. First, the orders designated in the notice of appeal are not substantively appealable. Second, even if the orders are substantively appealable, appellant is not an aggrieved party.

As to the appealability of the orders, the 2001 divorce decree was the final appealable judgment in this matter for purposes of NRAP 3A(b)(1).[1] The subsequent October 6 and November 15, 2005, orders regarding Tilman's withdrawal as guardian ad litem were not

[1]See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).



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independently appealable.[2] And the January 17, 2007, order also is not appealable. In particular, the January 17 order did not alter or affect the rights of a party arising out of the final judgment and therefore is not appealable as a special order after final judgment under NRAP 3A(b)(2).[3] Additionally, the January 17 order denied as moot Barney's request to modify child custody and visitation because the father's parental rights had been terminated and custody established in separate adoption proceedings, and therefore, the order is not appealable as an order that finally establishes or alters custody of a minor child under NRAP 3A(b)(2). Because no statute or court rule provides for an appeal from these orders, this court lacks jurisdiction.[4]

As to Barney's status as an aggrieved party, generally a party is aggrieved within the meaning of NRAP 3A(a) when a court ruling adversely affects a personal right or a property right, and the affected party wishes to alter rights arising from the judgment.[5] Barney has not demonstrated that she is aggrieved by the district court orders. In particular, she only wishes to have this court amend findings of fact in the

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[2]See Barney v. Kaufusi, Docket No. 46368 (Order Dismissing Appeal, April 19, 2006).

[3]See Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002) (defining a special order after final judgment as one that alters or affects the rights of a party arising out of the final judgment).

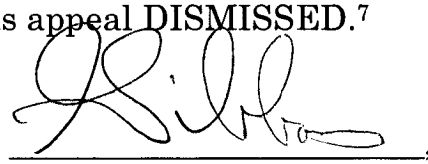
[4]Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

[5]Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994); Ford v. Showboat Operating Co., 110 Nev. 752, 877 P.2d 546 (1994).

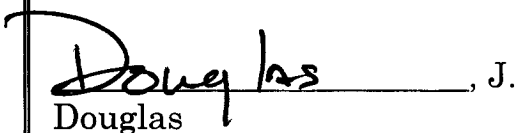
October 6 and November 15, 2005, orders but does not wish to otherwise alter those orders or reverse any of the district court orders. Under the circumstances, we conclude that Barney also is not aggrieved by the district court orders and therefore lacks standing to appeal them.[6]

For the reasons stated in this order, we grant Tilman's motion and

ORDER this appeal DISMISSED.[7]



_____, J.
Gibbons



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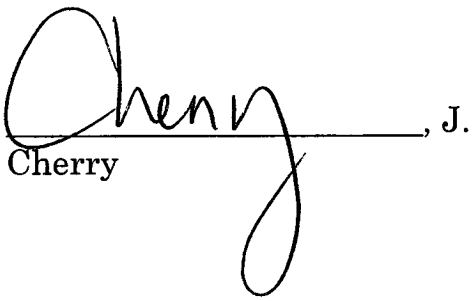
Douglas



_____, J.
Cherry

cc: Hon. Jennifer Elliott, District Judge, Family Court Division
Anthony L. Barney
Watt, Tieder, Hoffar & Fitzgerald, LLP
Paul M. Gaudet
Carol A. Menninger
Daren Bloxham, Court Reporter
Eighth District Court Clerk

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[6]See Warren v. Wilson, 47 Nev. 259, 220 P. 242 (1923) (observing that appellant was not aggrieved by judgment in his favor in case where appellant sought to appeal certain of the findings of fact supporting the judgment); see also Cottonwood Cove Corp. v. Bates, 86 Nev. 751, 476 P.2d 171 (1970) (holding that a party is not aggrieved by a district court ruling in that party's favor).

[7]In light of the disposition of this appeal, we deny as moot the motion to extend the time for the filing of certified transcripts.