

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA ALTERNATIVE SOLUTIONS,  
INDEPENDENT PHONE SERVICES,

Appellant,

vs.

ALAN SEEGAR,

Respondent.

No. 49936

**FILED**

APR 24 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Alvarado*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order reinstating a petition for judicial review in a workers' compensation matter pursuant to EDCR 2.90(c), granting leave to present additional evidence and remanding for further proceedings before an administrative appeals officer.

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.<sup>1</sup> This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.<sup>2</sup> No statute or court rule authorizes an appeal from an order reinstating a petition for judicial review pursuant to EDCR

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<sup>1</sup>See NRAP 3A(b).

<sup>2</sup>Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

2.90(c), granting leave to present additional evidence and remanding for further proceedings before an appeals officer.

In particular, it did not appear that the designated order is appealable as a final judgment pursuant to NRS 233B.150.<sup>3</sup> An order is appealable as a final judgment when it resolves all of the claims and the rights and liabilities of all the parties in an action.<sup>4</sup> Here it appeared the district court remanded the matter for further substantive proceedings before the administrative appeals officer. Typically, an order of remand resolves neither the claims nor the rights and liabilities of any party.<sup>5</sup> 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 respondent has filed a reply to that response. Having reviewed these documents, we conclude that the order being appealed from is not a final

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<sup>3</sup>NRS 233B.150 of the Administrative Procedure Act states that “[a]n aggrieved party may obtain a review of any *final judgment* of the district court by appeal to the Supreme Court.” (emphasis added).

<sup>4</sup>See Lee v. GNLV, 116 Nev. 424, 996 P.2d 416 (2000); see also Ellett v. Ellett, 94 Nev. 34, 573 P.2d 1179 (1978) (order or judgment which reserves a question for future consideration and determination is interlocutory and is not a final judgment).

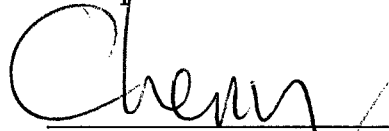
<sup>5</sup>See Clark County Liquor v. Clark, 102 Nev. 654, 730 P.2d 443 (1986); Bally’s Grand Hotel v. Reeves, 112 Nev. 1487, 1489, 929 P.2d 936, 937 (1996); see also State, Taxicab Authority v. Greenspun, 109 Nev. 1022, 862 P.2d 423 (1993) (declining to adopt the “collateral order doctrine,” which permits interlocutory appeals from certain non-final orders of remand).

judgment, and therefore we lack jurisdiction to consider this appeal.  
Accordingly, we


ORDER this appeal DISMISSED.

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

Maupin

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

Cherry

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

Saitta

cc: Chief Judge, Eighth Judicial District  
Hon. J. Charles Thompson, Senior Judge  
Santoro, Driggs, Walch, Kearney, Holley & Thompson  
Law Office of James R. Cox  
Eighth District Court Clerk