

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIKA MARIE HUBER, A/K/A ERIKA  
MARIE JOHNSON,  
Appellant,  
vs.  
MARGARET S. EVANS,  
Respondent.

No. 50648

FILED

MAR 28 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This proper person appeal challenges a district court order imposing sanctions against appellant for engaging in improper discovery. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

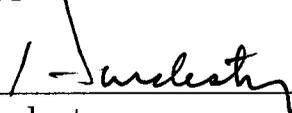
Our review of the documents before us reveals a jurisdictional defect. Although the challenged order both imposes sanctions on appellant and enjoins her from conducting discovery without a prior court order, appellant is challenging only the portion of the order that imposes sanctions against her. The challenged portion of the order appealed from, however, is not substantively appealable.<sup>1</sup> The right to appeal is

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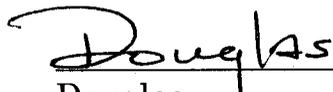
<sup>1</sup>Although the injunction portion of the challenged order is appealable under NRAP 3A(b)(2), we note that appellant has not challenged this portion of the order in her appeal. Under the circumstances presented in the record before us, even if appellant were to have challenged that portion of the order, we would necessarily affirm the district court's order, because it appears that the district court did not abuse its discretion by requiring appellant to seek a court order before engaging in discovery, considering that the case was closed after the divorce decree was entered four years ago. See A.L.M.N., Inc. v. Rosoff, 104 Nev. 274, 277, 757 P.2d 1319, 1321 (1988) (recognizing that the  
*continued on next page . . .*

statutory; if no statute or court rule provides for an appeal, no right to appeal exists.<sup>2</sup> No rule or statute authorizes an appeal from a post-judgment order imposing sanctions, unless the order qualifies as a special order after final judgment.<sup>3</sup> A special order made after final judgment is one that affects the rights of some party to the action, growing out of the previous judgment.<sup>4</sup> An order that imposes sanctions for engaging in prohibited discovery does not affect the rights of a party growing out of the final judgment, and is therefore not appealable as a special order made after final judgment. Accordingly, we conclude that we lack jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.<sup>5</sup>

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

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

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

... continued

district court's decision to grant a permanent injunction is generally reviewed for an abuse of discretion).

<sup>2</sup>See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975).

<sup>3</sup>See NRAP 3A(b)(2).

<sup>4</sup>Gumm v. Mainor, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002).

<sup>5</sup>We note that appellant's remedy, if any, is to seek relief from the district court's order by way of an original petition for extraordinary relief. See NRS 34.160; NRS 34.170; NRAP 21.

cc: Hon. Patrick Flanagan, District Judge  
Erika Marie Huber  
Margaret S. Evans  
Washoe District Court Clerk