

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAIME ROMERO,

No. 34585

Appellant,

vs.

FILED

LAS VEGAS SANDS, INC., D/B/A THE SANDS HOTEL AND CASINO, A NEVADA CORPORATION,

SEP 25 2000

Respondent.

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

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court holding appellant in contempt. On July 11, 2000, we directed appellant to file points and authorities on the issue of whether a contempt order was substantively appealable, or whether it must be challenged through a petition for extraordinary relief. Appellant failed to file a response to this order.

On August 18, 2000, this court issued its opinion in *Pengilly v. Rancho Santa Fe Homeowners*, 116 Nev. ___, ___ P.3d ___ (Adv. Op. No. 75, August 18, 2000). In *Pengilly*, this court held that a contempt order is not substantively appealable. Rather, such an order must be challenged through a petition pursuant to NRS Chapter 34.

Accordingly, as we lack jurisdiction, we

ORDER this appeal dismissed.

Rose

Rose J.

Maupin

Maupin J.

Becker

Becker J.

cc: Hon. Gary L. Redmon, District Judge
Michael V. Stuhff
Lionel Sawyer & Collins
Clark County Clerk

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JUL 11 2000


JANETTE M. BLOOM
CLERK OF SUPREME COURT
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CHIEF DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from an order holding appellant in contempt. Our preliminary jurisdictional review indicates that it is not clear that an order of contempt is substantively appealable. It is not a final judgment pursuant to NRAP 3A(b)(1), nor is it independently appealable pursuant to NRAP 3A(b)(2). It appears that while this court has considered challenges to contempt orders both through direct appeals, see, e.g., *Awad v. Wright*, 106 Nev. 407, 794 P.2d 713 (1990), and through petitions for extraordinary relief, see, e.g., *Cunningham v. District Court*, 102 Nev. 551, 729 P.2d 1328 (1986), the jurisdictional issues have not been explicitly addressed in our prior case law. It further appears that a petition for extraordinary relief, rather than a direct appeal, may be a preferable procedure for reviewing contempt orders.

Accordingly, appellant shall have thirty (30) days within which to file a response to this order. The response shall include points and authorities on the issue of whether a contempt order is properly challenged through a direct appeal or through a petition for extraordinary relief. The briefing schedule and preparation of transcripts shall be suspended pending further order of this court.

It is so ORDERED.

 C.J.

cc: Michael V. Stuhff
Lionel Sawyer & Collins