

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOMINIC CAMERLENGO,
Appellant,

vs.

FARMERS INSURANCE EXCHANGE;
TRUCK INSURANCE EXCHANGE; FIRE
INSURANCE EXCHANGE; MID-CENTURY
INSURANCE COMPANY; FARMERS NEW
WORLD LIFE INSURANCE CO., EACH A
SUBSIDIARY OF FARMERS INSURANCE
GROUP OF COMPANIES, A CALIFORNIA
CORPORATION DOING BUSINESS IN
THE STATE OF NEVADA,
Respondents.

No. 52060

FILED

SEP 28 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Youney
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a postjudgment order ruling on appellant's request for an order to show cause why respondents should not be held in contempt and for attorney fees, costs, and other relief. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

On August 20, 2009, this court issued an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we noted that appellant challenges the district court's order only to the extent that the court construed his motion for an order to show cause why respondents should not be held in contempt as a motion for reconsideration and denied both reconsideration and his request for an order to show cause.¹ As noted in our August 20 order, an

¹As noted in our August 20 order, appellant does not challenge the portion of the district court's order denying his request for attorney fees and costs on appeal. Thus, the fact that that portion of the order would have been appealable as a special order after final judgment under NRAP 3A(b)(2) does not change our disposition of this appeal.

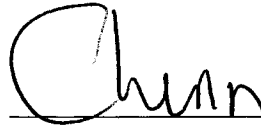
order denying reconsideration is not substantively appealable. See *Alvis v. State, Gaming Control Bd.*, 99 Nev. 184, 660 P.2d 980 (1983) (stating that an order denying reconsideration is not appealable). Likewise, orders denying requests for an order to show cause why a party should not be held in contempt are not substantively appealable. See NRAP 3A(b) (setting forth orders and judgments from which an appeal may be taken); *Gumm v. Mainor*, 118 Nev. 912, 59 P.3d 1220 (2002) (noting that to be appealable as a special order after final judgment, an order must affect the rights of a party growing out of the final judgment); see generally *Pengilly v. Rancho Santa Fe Homeowners*, 116 Nev. 646, 5 P.3d 569 (2000) (holding that no rule or statute authorizes an appeal from a contempt order). As set forth in *Pengilly*, the proper vehicle for challenging such orders is by filing an original writ petition with this court. Id.


In his response to our show cause order, appellant does not dispute that this court lacks jurisdiction to consider his appeal. Instead, he asks this court to treat his appeal as a petition for a writ of mandamus. Alternatively, appellant requests leave to file a petition for a writ of mandamus challenging the district court order at issue in this appeal and to have the petition be considered timely filed based on the timely filing of his appeal. Respondents have filed a reply opposing the request to convert this appeal into a petition for a writ of mandamus.

Because we lack jurisdiction to consider appeals from the order appellant seeks to challenge, a point that appellant concedes, we dismiss this appeal. We further deny appellant's request to convert his appeal into a petition for a writ of mandamus. If appellant wishes to challenge the district court order at issue in this appeal, he must do so by filing a petition for extraordinary relief in this court. Because there is no set time limit in which a petition for extraordinary relief must be filed,

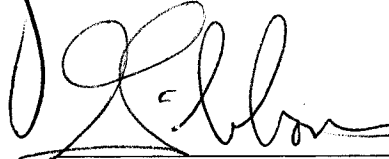
however, we deny appellant's request that this court grant appellant leave to file that document and deem it timely based on the filing of his notice of appeal.

It is so ORDERED.²


_____, J.
Cherry


_____, J.

Saitta


_____, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Thomas J. Tanksley, Settlement Judge
Nehme-Tomalka & Associates
Olson, Cannon, Gormley & Desruisseaux
Lisa Lizotte, Court Reporter
Eighth District Court Clerk

²In their reply to appellant's response, respondents ask this court to sanction appellant for filing a frivolous appeal by awarding them their attorney fees and costs on appeal. Although we conclude that we lack jurisdiction over this case, we nonetheless conclude that sanctions are not warranted. Accordingly, respondents' request is denied. Additionally, because we dismiss this appeal, Court Reporter Lisa Lizotte need not file the certificate of delivery for the transcript of the May 21, 2008, proceedings.