

IN THE SUPREME COURT OF THE STATE OF NEVADA

THERESA KLUG, AN INDIVIDUAL,
Appellant,

vs.

DUNG BUI, AN INDIVIDUAL; AND
DUNG BUI AND JOANNE NGUYEN,
DMD, A PROFESSIONAL
CORPORATION D/B/A DEDICATED
DENTAL, A NEVADA
PROFESSIONAL CORPORATION,
Respondents.

No. 52814

FILED

FEB 03 2009

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellant's motion for reconsideration of an order dismissing appellant's complaint. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

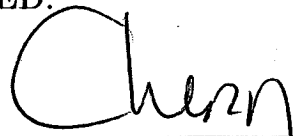
Respondents have moved to dismiss this appeal for lack of jurisdiction, arguing that the order denying appellant's motion for reconsideration is not appealable. Appellant opposes the motion, arguing that although this court has held that the denial of motions for reconsideration are not appealable orders, this court's ruling is "at odds" with other states that have concluded that those type of orders are appealable. Appellant further asserts that the district court's order


granting respondents' motion to dismiss did not resolve any of the issues pending before the court because the dismissal was based on a "technicality" relating to the insufficiency of the affidavit of merit under NRS 41A.071. Appellant maintains that the "order denying reconsideration should be considered a final appealable order because it fully and finally prevented further consideration of any issues by the trial court."


The right to appeal is statutory; if no statute or court rule provides for an appeal, no right to appeal exists. 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). An order denying reconsideration is not an appealable order, and appellant has presented no compelling argument for this court to overturn its precedent regarding appeals from such orders. See Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983). Moreover, appellant's claim that the district court's order granting respondents' motion to dismiss was not a final, appealable order lacks merit. The order unambiguously dismissed appellant's complaint, which put an end to appellant's action against respondents. See Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (holding that a "final judgment" for purposes of NRAP 3A(b) is one that disposes of all the issues presented in the case, and leaves nothing for future consideration of the court, except certain post-judgment matters). Thus, appellant's argument that the order dismissing her complaint did not resolve all of the issues in

the underlying case is unavailing. Accordingly, respondents' motion to dismiss is granted, and we

ORDER this appeal DISMISSED.¹


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Chief Judge, Eighth Judicial District
Hon. Joseph T. Bonaventure, Senior Judge
William F. Buchanan, Settlement Judge
Attorney General Catherine Cortez Masto/Las Vegas
Jeffrey J. Whitehead
Lewis Brisbois Bisgaard & Smith, LLP
Eighth District Court Clerk

¹We also agree with respondents' implication that any potential appeal from the order dismissing appellant's complaint is untimely. See NRAP 4(a) (1)(providing that a notice of appeal must be filed within 30 days of service of notice of entry of the order to be appealed); see also Alvis, 99 Nev. at 186, 660 P.2d at 981 (holding that a motion for reconsideration does not toll the time in which to file a notice of appeal).