

IN THE SUPREME COURT OF THE STATE OF NEVADA


ASKAR KARABAYEV; NAUM
VOLOSHIN; ROBIN BISARYA; AND
TURAN PETROLEUM, INC.,
Appellants,

vs.

ANATOLY VANETIK, IN HIS
CAPACITY AS A DIRECTOR OF
TURAN PETROLEUM, INC., AND IN
HIS CAPACITY AS A SHAREHOLDER
OF TURAN PETROLEUM, INC.; AND
TREK RESOURCES, INC.,
Respondents.

No. 53279

FILED

APR 08 2009
TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district order denying a motion to dismiss the underlying action for lack of personal jurisdiction and forum nonconveniens. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

When our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we directed appellants to show cause as to why this court has jurisdiction to consider this appeal. Specifically, it appeared that the order designated in the notice of appeal was not substantively appealable, because no statute or court rule authorizes an appeal from a district court order denying a motion to dismiss a complaint for lack of personal jurisdiction or forum nonconveniens. See NRAP 3A(b) (listing orders from which an appeal may be taken); Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984) (noting that generally this court has jurisdiction to consider an appeal only when the appeal is

authorized by statute or court rule). Appellants have now filed their response to our show cause order and do not dispute this court's conclusion that it lacks jurisdiction to consider this appeal. Accordingly, because this court lacks jurisdiction to consider this appeal, we

ORDER this appeal DISMISSED.¹

Cherry J.
Cherry

Saitta J.
Saitta

Gibbons J.
Gibbons

¹In light of this order, respondents need not file a reply to appellants' response to this court's show cause order.

To the extent that appellants ask this court to convert their appeal to a petition for extraordinary relief, that request is denied. Appellants have already filed a petition for extraordinary relief challenging the portion of the district court's order denying dismissal on personal jurisdiction grounds. *Karabayev v. District Court (Vanetik)*, Docket No. 53273. If appellants wish to challenge the district court's denial of their motion to dismiss on the ground of *forum non conveniens*, they may do so by filing a new petition for extraordinary relief in this court challenging that portion of the district court's order.

cc: Hon. Mark R. Denton, District Judge
Freeman Freeman & Smiley
R. Clay Hendrix, P.C.
Richard L. Tobler
Ballard Spahr Andrews & Ingersoll, LLP /Las Vegas
Lionel Sawyer & Collins/Las Vegas
McDermott, Will & Emery/Irvine, CA
Eighth District Court Clerk