

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT ZABKA AND DEBRA ZABKA,  
Appellants,  
vs.  
CURO FUNDS, L.P.; CURO  
MANAGEMENT, LLC; AND TOM  
GRIMMETT,  
Respondents.

No. 53957

**FILED**

**APR 29 2010**

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a May 1, 2009, district court order that modified a prior order approving an interim disbursement of receivership funds to claimants and to the receiver. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge. Appellants also purport to challenge several previously entered district court orders allowing compensation to the receiver and his counsel.

Our review of the documents transmitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect. Specifically, the order designated in the notice of appeal is not substantively appealable.

This court has stated that it has jurisdiction to consider an appeal only when authorized by statute or court rule. Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984). Although this court has jurisdiction over appeals from final district court orders, NRAP 3A(b)(1), the appealed order in this case cannot be considered the final order, as it merely directs an interim disbursement and expressly contemplates additional action by the receiver. See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); Martin & Co. v. Kirby, 34 Nev. 205,

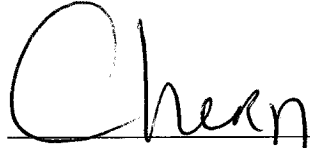
214, 117 P. 2, 4 (1911) (recognizing that a final judgment in a receivership action is one that approves or rejects all of the items in the receiver's final account and directs distribution of any remaining funds)<sup>1</sup>; see also S.E.C. v. Black, 163 F.3d 188, 195 (3d Cir. 1998) (explaining that an interlocutory fee order in a receivership matter is not appealable until a final order is entered); S.E.C. v. Capital Consultants LLC, 453 F.3d 1166 (9th Cir. 2006) (recognizing that an order determining the rights of some, but not all, claimants to receivership funds is not final and appealable absent certification); Lee v. First State Bank, 28 P.2d 814, 816 (Colo. 1934) (“[A]n order approving the receiver’s report which is not final, and which directs the receiver to continue management of the property until further order of the court, is not appealable and an appeal therefrom will be dismissed.”). Further, no statute or court rule authorizes an appeal from an

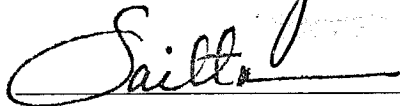
---


<sup>1</sup>In their notice of appeal, appellants cite to Frank C. Mortimer v. Pacific States Savings & Loan Co., 62 Nev. 142, 141 P.2d 552 (1943), and 62 Nev. 142, 145 P.2d 733 (1944), which discuss, respectively, a motion to dismiss an appeal from an order concerning attorney fees awarded to a receiver’s counsel, and the merits of that appeal. Neither of those cases addresses the substantive appealability of the district court’s order, however, and thus, the grounds for this court’s jurisdiction over that appeal are unclear. As a result, those cases do not stand for the proposition that orders concerning receivership fee awards are necessarily appealable. And while other courts have determined that such orders are appealable under the collateral order doctrine, see, e.g., S.E.C. v. Forex Asset Management LLC, 242 F.3d 325 (5th Cir. 2001), S.E.C. v. Basic Energy & Affiliated Resources, 273 F.3d 657 (6th Cir. 2001), this court has previously rejected that doctrine. State, Taxicab Authority v. Greenspun, 109 Nev. 1022, 862 P.2d 423 (1993) (refusing to adopt the collateral order doctrine for Nevada).

interlocutory order awarding amounts to claimants, the receiver, and the receiver's counsel. Accordingly, we lack jurisdiction and therefore

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Debra Zabka  
Robert Zabka  
Gerrard Cox & Larsen  
Gonzalez Saggio & Harlan, LLP  
Eighth District Court Clerk