IN THE SUPREME COURT OF THE STATE OF NEVADA

LABOR COMMISSION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA,

Appellant,

vs.

UNIVERSAL ELECTRIC, INC.,

Respondent.

No. 34902

FILED

MAR 29 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY [signature]
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

Respondent Universal Electric has moved to dismiss this appeal for lack of jurisdiction. Appellant opposes the motion.[1] The Labor Commission filed a notice of appeal from a district court judgment and order reversing and remanding an administrative determination that respondent violated the law by not paying an employee the correct prevailing wage on public works projects.[2] Because we conclude the district court's interlocutory order of remand is not a final appealable judgment, we grant the motion to dismiss.[3]

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[1]We deny as moot respondent's motion for leave to file a reply to the opposition.

[2]The judge entered his decision on the record in July 1999, signed a document containing his findings of fact, conclusions of law and order on August 25, 1999, and signed a "judgment" on September 21, 1999. Although the County Clerk received the findings, conclusions and order on August 26, the document was not filed until September 27, 1999, five days after the "judgment" was filed and three days after the notice of appeal was filed. This filing irregularity is of no consequence in this case, as we conclude there is no right to appeal from either the judgment or the order.

[3]We deny respondent's motion for attorney's fees as sanctions under NRAP 14. We find no authority in that rule for sanctions in this case.

There is no right to appeal unless a statute or court rule provides for an appeal. 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). No statute or court rule authorizes an appeal from a district court order reversing and remanding a matter to an administrative agency.[4] State, Taxicab Authority v. Greenspun, 109 Nev. 1022, 1025, 862 P.2d 423, 424-25 (1993) (noting that a party can only appeal an order remanding a matter to an administrative agency if the order constitutes a final judgment, and holding an order of remand directing the agency to consider additional evidence is not a final judgment); Clark County Liquor v. Clark, 102 Nev. 654, 658, 730 P.2d 443, 446 (1986) (holding an order remanding a case to an administrative agency for the taking of further evidence after additional discovery is not an appealable final order).

Alternatively, the Labor Commission asks us to treat the appeal as a petition for a writ of mandamus. The Labor Commission provides no particular reason for doing so; it simply argues "judicial economy could be promoted by hearing the appeal." The Labor Commission observes that if this court were to affirm the underlying agency decision, remand would be unnecessary. In essence, this is a request for application of

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[4]We decline the Labor Commission's proposal that we treat the order remanding this matter to the administrative agency for a new hearing as though it were an order granting a new trial, which is appealable under NRAP 3A(b)(2). The Labor Commission provides no supporting authority for its proposition, and we have found none. The legislature could have specified that an appeal may be taken under NRAP 3A(b)(2) from an order remanding or refusing to remand an administrative matter for a new hearing, but it did not do so. It also did not provide for an interlocutory appeal in the Administrative Procedures Act, NRS chapter 233B, which governs this matter.

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the collateral order doctrine, under which federal courts allow for interlocutory review of certain non-final orders remanding a matter to an administrative agency. See Greenspun, 109 Nev. at 1025, 862 P.2d at 425. We expressly declined an invitation to adopt the collateral order doctrine in Greenspun, and the Labor Commission provides no basis for revisiting that decision. We deny the request to treat this appeal as a writ petition, and the implied request to review the order under the collateral order doctrine. Based on the foregoing, we

ORDER this appeal dismissed.

Young, J.

Agosti, J.

Leavitt, J.

cc: Hon. Mark R. Denton, District Judge
Attorney General
Keith E. Kizer, Deputy Attorney General, Las Vegas
Dianna D. Hegeduis, Deputy Attorney General, Las Vegas
Orin G. Grossman
Clark County Clerk