

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYNN LAS VEGAS, LLC D/B/A WYNN
LAS VEGAS, A NEVADA LIMITED
LIABILITY COMPANY AND STEPHEN
A. WYNN, AN INDIVIDUAL,
Appellants,
vs.
JOSEPH RAYMOND FRANCIS, AN
INDIVIDUAL,
Respondent.

No. 55459

FILED

JUN 10 2010

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

ORDER DISMISSING APPEAL

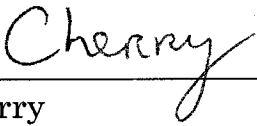
This is an appeal from a district court order that denied a motion to dismiss respondent's counterclaim under the anti-SLAPP statute, NRS 41.660. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.


Generally, parties may appeal only when authorized by statute or court rule. Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984). Here, no statute or court rule appears to allow an appeal from an interlocutory order denying an NRS 41.660 motion to dismiss. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998). Appellants, in their notice of appeal and docketing statement, point out that NRS 41.660, which directs the district court to stay discovery pending the resolution "of any appeal from the ruling on the motion," appears to authorize an appeal. While recognizing NRS 41.660's ambiguity, we conclude that the statute does not authorize an appeal from any order ruling on a special motion to dismiss, but instead merely recognizes that discovery should be stayed pending any challenge to such a ruling addressed to a higher court. Further, we

decline appellants' invitation to treat this appeal as a writ petition.¹

Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Mark R. Denton, District Judge
Brownstein Hyatt Farber Schreck, LLP
Carbajal & McNutt, LLP
Eighth District Court Clerk

¹Writ petitions and appeals are subject to separate filing requirements. Compare NRS 34.170; NRS 34.330; and NRAP 21, with NRAP 3. Although we have rarely converted appeals into writ proceedings in the past, we generally have done so only when, by misdirection of this court, the parties otherwise would have been denied an opportunity to seek this court's review of a matter. See, e.g., Clark County Liquor v. Clark, 102 Nev. 654, 658, 730 P.2d 443, 446 (1986). Those circumstances are not present here. Additionally, if appellants file a writ petition in this court challenging the district court's order, their petition should explain why an appeal from the final judgment is not an adequate and speedy legal remedy. See NRS 34.170; NRS 34.330; Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).