

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN GRAVES PROPANE OF ARIZONA,
INC., AN ARIZONA CORPORATION,

Appellant,

vs.

GARY THOMPSON AS SPECIAL
ADMINISTRATOR OF THE ESTATE OF
DONALD WILLIAMS DANIELSON; AND
CATHERINE DANIELSON, INDIVIDUALLY
AND AS THE MOTHER OF THE DECEDENT,
DONALD WILLIAM DANIELSON,

Respondents.

No. 57209

FILED

DEC 02 2010

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellant's motion to transfer the underlying case to Arizona. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Respondents have moved to dismiss this appeal arguing, among other things, that the challenged order is not substantively appealable because it is actually an order denying a motion to dismiss on forum non conveniens grounds. Appellant opposes the motion, arguing that the challenged order is appealable under NRAP 3A(b)(6). Having considered the parties filings and the authorities cited therein, we agree with respondents that this appeal must be dismissed.

Appellant is correct that an order denying a motion to change the place of trial is appealable under NRAP 3A(b)(6). Here, the relevant portion of the challenged order is designated as an order denying a motion to transfer the underlying case to Arizona. In interpreting a district court order, however, this court looks beyond the order's title and focuses on what the order substantively accomplishes. Cf. Lee v. GNLV Corp., 116

Nev. 424, 427, 996 P.2d 416, 418 (2000) (stating that the finality of a district court's order depends on what the order substantively accomplishes). In opposing respondents' motion, appellant concedes that granting the motion "would have lead to a dismissal of the Nevada action." Accordingly, based on appellant's own concession, the true effect of the denial of appellant's motion was to deny a request to dismiss the action on forum non conveniens grounds. Because an order denying a motion to dismiss is not substantively appealable, Bates v. Nevada Savings & Loan Ass'n, 85 Nev. 441, 444, 456 P.2d 450, 452 (1969), we conclude that we lack jurisdiction to consider this appeal,¹ and therefore, we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Douglas W. Herndon, District Judge
Law Offices of Brian D. Shapiro, LLC
McCoy & Hofbauer, S.C.
Law Office of William R. Brenske
Eighth District Court Clerk

¹We note that, if appellant is aggrieved by the final judgment in the underlying matter, appellant may challenge the denial of his motion in the context of an appeal from the final judgment. Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998),