

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID PHILLIPS,  
Appellant,  
vs.  
PAMELA BURFORD; AND AURI  
ALLEN,  
Respondents.

No. 57290

**FILED**

**NOV 18 2011**

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

ORDER DISMISSING APPEAL


This is an appeal from a district court order directing the transfer of certain client trust funds and adjudicating a request for an attorney lien in the context of a tort action. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

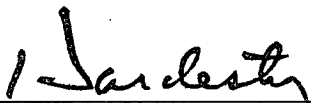
When our preliminary review of the docketing statement and the NRAP 3(g) documents revealed two potential jurisdictional defects, we ordered appellant to show cause why this appeal should not be dismissed. Specifically, it appeared that appellant, who was respondents' original attorney below, was not a party entitled to appeal. NRAP 3A(a); Albert D. Massi, Ltd. v. Bellmyre, 111 Nev. 1520, 1521, 908 P.2d 705, 706 (1995) (recognizing that "an attorney representing a client in a case is not a party to the action and does not have standing to appeal"). Further, based on the district court's order stating that no default judgment had been entered, it appeared that the district court had not yet entered a final, appealable judgment in the case below, NRAP 3A(b)(1), and the attorney lien order is not independently appealable. NRAP 3A(b).

Appellant timely responded,<sup>1</sup> acknowledging Massi but arguing that he appeared as a party below to assert an attorney's lien and questioning whether, if under Massi he was not a party, the district court had jurisdiction to resolve the trust fund issues. Appellant also appears to contend that the order for a default is the final, appealable order below, because entering a judgment on the default is "a nondiscretionary ministerial act."

We conclude that appellant has failed to demonstrate that he was a party below under Massi and that a final, appealable judgment has been entered. Massi, 111 Nev. at 1521, 908 P.2d at 706; NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). Further, as we lack jurisdiction, we do not address appellant's request for clarification as to the district court's jurisdiction below, and we

ORDER this appeal DISMISSED.

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

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Elissa F. Cadish, District Judge  
Eva Garcia-Mendoza, Settlement Judge  
David Lee Phillips & Associates  
Claggett & Associates, Inc.  
Eighth District Court Clerk  
Jessica Ramirez, Court Reporter

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<sup>1</sup>As the supplemental authority included in appellant's July 25, 2011, motion for leave to file supplemental authority has been considered, appellant's motion for leave to file a separate document is denied as moot.