

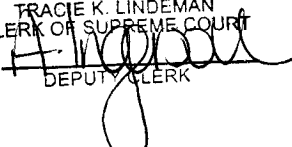
IN THE SUPREME COURT OF THE STATE OF NEVADA

GRANT J. WEISE, JR.; AND OLIVIA S.
WEISE,
Appellants,
vs.
RAYMOND RODRIGUEZ;
ADMINISTRATIVE OFFICE OF THE
COURTS; JP MORGAN CHASE & CO.;
CHASE HOME FINANCE LLC; AND
FEDERAL NATIONAL MORTGAGE
ASSOCIATION,
Respondents.

No. 58708

FILED

MAY 10 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a petition for a writ of mandamus or prohibition, treating the matter as a petition for judicial review under FMR 6 (now FMR 21), and remanding the matter to the foreclosure mediation program for further mediation. First Judicial District Court, Carson City; James Todd Russell, Judge.

When our preliminary review of the docketing statement and the NRAP 3(g) documents revealed a potential jurisdictional defect, we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, because the order remands for additional mediation, it was unclear whether the order is appealable as a final judgment. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 426 (2000). Appellants timely responded, arguing that the order is final despite the remand because the district court, after deciding the merits of their writ petition, did not reverse or vacate anything, but rather simply ordered a new mediation before a new mediator, likening the process to a final order compelling arbitration and dismissing the


remaining claims. See Green Tree Financial Corp.-ALA v. Randolph, 531 U.S. 79, 86-89 (2000).

“As a general rule, an order by a district court remanding a matter to an administrative agency is not an appealable order unless the order constitutes a final judgment.” Ayala v. Caesars Palace, 119 Nev. 232, 235, 71 P.3d 490, 492 (2003); see generally State, Taxicab Authority v. Greenspun, 109 Nev. 1022, 1024-25, 862 P.2d 423, 424-25 (1993) (recognizing that the district court’s order remanding the matter to an administrative agency for further proceedings on the merits is not appealable as a final judgment); accord Clark County Liquor v. Clark, 102 Nev. 654, 657-58, 730 P.2d 443, 446 (1986); Pueblo of Sandia v. Babbitt, 231 F.3d 878, 880 (D.C. Cir. 2000). This general rule is designed to promote judicial efficiency and economy by avoiding piecemeal appellate review. Bally’s Grand Hotel v. Reeves, 112 Nev. 1487, 1489, 929 P.2d 936, 937 (1996). For the same reason, we conclude that this general rule applies to orders remanding matters to the foreclosure mediation program.

Here, as the district court considered the matter under FMR 6 and remanded for the parties “to go through the mediation process again,” the mediation will readdress the merits of the matter, and if appropriate, any party will then be able to petition for judicial review of that mediation. Consequently, we conclude that the remand order was not the final resolution of this matter, rendering the arbitration case distinguishable. Because it is not final, the order is not appealable. As in Pueblo of Sandia v. Babbitt, deferring appellate review while the mediator conducts these “significant further proceedings” and enters a final order not only avoids the possibility of considering two appeals from this matter, but it “also leaves open the possibility that no appeal will be taken in the event the

proceedings on remand satisfy all parties.” 231 F.3d at 880. Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.¹


_____, J.
Pickering


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. James Todd Russell, District Judge
Philip A. Olsen
Fennemore Craig, P.C./Las Vegas
Pite Duncan, LLP
Smith Larsen & Wixom
Carson City Clerk

¹In light of this order, appellants’ motion to disqualify respondents’ counsel is denied as moot.