

IN THE SUPREME COURT OF THE STATE OF NEVADA

SICOR, INC., A DELAWARE CORPORATION; TEVA PARENTERAL MEDICINES, INC., FORMERLY KNOWN AS SICOR PHARMACEUTICALS, INC., A DELAWARE CORPORATION; BAXTER HEALTHCARE CORPORATION, A DELAWARE CORPORATION; AND MCKESSON MEDICAL-SURGICAL, INC.,
Appellants,

vs.

RICHARD C. SACKS, INDIVIDUALLY; ANNE M. ARNOLD AND JAMES L. ARNOLD, INDIVIDUALLY AND AS HUSBAND AND WIFE; AND ANTHONY V. DEVITO AND DONNA JEAN DEVITO, INDIVIDUALLY AND AS HUSBAND AND WIFE,
Respondents.

No. 58887

FILED

AUG 03 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 concerning a motion to change venue. Eighth Judicial District Court, Clark County; Ron Israel, Judge. Appellants have filed a motion to stay the trial in the district court action, relying on NRAP 3A(b)(6)(A). As directed, the parties filed briefs on the stay issue.

Having reviewed the documents before this court, we conclude that this appeal is premature, for two reasons.


First, the district court's order is not a final order disposing of the motion to change venue. Specifically, the district court indicated that while appellants had provided "a mountain of evidence regarding pretrial publicity," the court would reserve judgment on the issue until after jury selection had begun. An interim order that does not finally resolve the issues presented and contemplates further action is not appealable. In re Temporary Custody of Five Minors, 105 Nev. 441, 777 P.2d 901 (1989)


(interim custody order); Sugarman Co. v. Morse Bros., 50 Nev. 191, 255 P. 1010 (1927) (temporary restraining order).

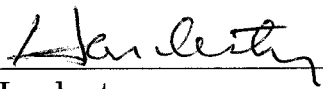
Second, the district court properly applied, to this civil case, the reasoning in this court's opinion in State v. Alsup, 68 Nev. 45, 226 P.2d 801 (1951) (holding that before finally deciding a motion to change venue, based on pretrial publicity and the assertion that a fair and impartial jury cannot be found in the county, an attempt must be made to impanel a jury). Although the district court did not cite this opinion or the United States Supreme Court's recent decision in Skilling v. United States, 130 S. Ct. 2896 (2010), its analysis is quite similar to those cases.

Accordingly, we dismiss this appeal, and we deny the motion for stay as moot. As this matter warranted our expedited consideration and decision, we enter this order for the purposes of providing the parties immediate resolution. Because of the importance of the issues presented by this case, an opinion in this matter will be forthcoming.

It is so ORDERED.

 _____, J.
Saitta

 _____, J.
Gibbons

 _____, J.
Hardesty

cc: Hon. Ron Israel, District Judge
Lewis & Roca, LLP/Las Vegas
Greenberg Traurig, LLP/Las Vegas
Olson, Cannon, Gormley & Desruisseaux
Kirkland & Ellis LLP/New York
Kirkland & Ellis LLP/Washington DC
Goodwin Procter, LLP/Boston
Mainor Eglet
Kemp, Jones & Coulthard, LLP
Eighth District Court Clerk