

IN THE SUPREME COURT OF THE STATE OF NEVADA

WELLS FARGO BANK, N.A.; AND  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION (FANNIE MAE),

Appellants,

vs.

STEVE A. TIMM; AND RITA L. TIMM-  
SCHMIDT,

Respondents.

No. 60954

**FILED**

SEP 04 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

ORDER DISMISSING APPEAL

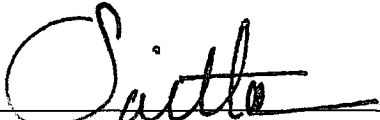
This is an appeal from a district court order granting a petition for judicial review of a foreclosure mediation and remanding the matter to the foreclosure mediation program for further mediation as a sanction for appellants' bad faith. Third Judicial District Court, Lyon County; William Rogers, Judge.


On August 8, 2012, we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction, pointing out that the order remands for additional mediation and thus does not appear appealable as a final judgment. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 426 (2000); see Ayala v. Caesars Palace, 119 Nev. 232, 235, 71 P.3d 490, 492 (2003) ("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."); 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). In response, appellants argue

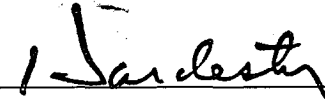
that the appealed order is final because the district court adjudicated all of the issues before it. We disagree.

The general rule providing that an order of remand for additional proceedings on the merits is not final and appealable 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, this general rule applies to orders remanding matters to the foreclosure mediation program. As in Pueblo of Sandia v. Babbitt, deferring appellate review while the mediator conducts "significant further proceedings" and, if review is sought, the district court 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. Here, the district court remanded for another mediation session, in which the parties will readdress the merits of the matter; if appropriate, any party will then be able to petition for judicial review of that mediation. Consequently, we conclude that the appealed order was not the final resolution of this matter. Because it is not final, the order is not appealable. Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.

  
Saitta, J.

  
Pickering, J.

  
Hardesty, J.

cc: Hon. William Rogers, District Judge  
McCarthy & Holthus, LLP/Las Vegas  
Mark L. Mausert  
Lyon County Clerk