

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID FREEMAN, AN INDIVIDUAL,
AND EILEEN FREEMAN, AN
INDIVIDUAL,
Appellants,

vs.

CITIBANK, N.A.; JPMORGAN CHASE
BANK, N.A.; AND CALIFORNIA
RECONVEYANCE COMPANY,
Respondents.

No. 60973

FILED

AUG 28 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order directing the parties to attend a second foreclosure mediation. Eighth Judicial District Court, Clark County; J. Charles Thompson, Judge.

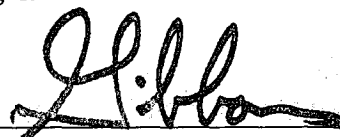
Respondents have moved to dismiss this appeal for lack of jurisdiction, pointing out that the order remands for additional mediation and thus is not appealable as a final judgment. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000); see Ayala v. Caesars Palace, 119 Nev. 232, 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.”), abrogated on other grounds by Five Star Capital Corp. v. Ruby, 124 Nev. 1048, 194 P.3d 709 (2008); 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,

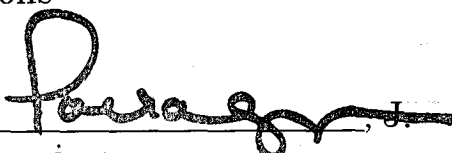
231 F.3d 878, 880 (D.C. Cir. 2000). This general rule is designed to promote judicial efficiency and economy by avoiding piecemeal appellate review. Bally's Grand Hotel v. Reeves, 112 Nev. 1487, 1489, 929 P.2d 936, 937 (1996). For the same reason, we conclude that this general rule applies to orders remanding matters to the foreclosure mediation program.

Here, 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. 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 grant the motion and

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Chief Judge, The Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Law Office of Jacob L. Hafter & Associates
Smith Larsen & Wixom
Eighth District Court Clerk