

IN THE SUPREME COURT OF THE STATE OF NEVADA

BANK OF AMERICA, N.A.; AND
RECONTRUST COMPANY, N.A.,
Appellants,
vs.
MARIA MORALES,
Respondent.

No. 61036

FILED

DEC 04 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order directing the parties to complete a second foreclosure mediation. Eighth Judicial District Court, Clark County; J. Charles Thompson, 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.¹


“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)


¹We approve the parties’ October 4, 2012, stipulation and direct the clerk of this court to file appellants’ response, provisionally received in this court on November 6, 2012.


(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 attend mediation again, the second 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 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

ORDER this appeal DISMISSED.


Saitta, J.


Pickering, J.


Hardesty, J.

cc: Chief Judge, The Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Pite Duncan, LLP
Akerman Senterfitt/Las Vegas
Law Offices of Mitchell Posin, Chtd.
Eighth District Court Clerk