

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN MICHAEL FOSTER,
Appellant,
vs.
TARA COLLIER,
Respondent.

No. 63893

FILED

APR 11 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DISMISSING APPEAL IN PART
AND AFFIRMING IN PART*

This is a proper person appeal from a district court order dismissing a negligence action. First Judicial District Court, Carson City; James Todd Russell, Judge.

As an initial matter, respondent has moved this court to dismiss this appeal on the ground that appellant is not an aggrieved party insofar as the complaint against appellant was dismissed by the district court's order that is before this court on appeal. Appellant has opposed the motion, and respondent has filed a reply. Although appellant was not aggrieved by the district court's order of dismissal, he was aggrieved by the district court's interlocutory order denying his motion to submit a counterclaim, and appellant's civil proper person appeal statement indicates that he is challenging that order in this appeal. *See Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) ("A party is aggrieved within the meaning of NRAP 3A(a) when either a personal right or right of property is adversely and substantially affected by a district court's ruling." (internal quotation marks omitted)). Thus, we grant the motion to dismiss in part and dismiss this appeal to the extent that appellant purports to challenge the dismissal of the underlying complaint against him, but we deny the motion to dismiss insofar as

cc: Hon. James Todd Russell, District Judge
John Michael Foster
Steven J. Klearman & Associates
Carson City Clerk