

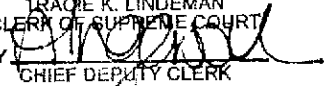
IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL GAMINO,
Appellant,
vs.
RENOWN HEALTH, A NEVADA
CORPORATION,
Respondent.

No. 63961

FILED

AUG 07 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL


This is an appeal from a district court judgment awarding costs. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.


When our preliminary review of the docketing statement and the NRAP 3(g) documents submitted to this court revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed. Specifically, the August 7, 2013, judgment appealed from appeared to merely duplicate an earlier, July 10, 2013, costs award, and thus, it did not appear substantively appealable. *Morrell v. Edwards*, 98 Nev. 91, 92, 640 P.2d 1322, 1324 (1982) (explaining that an appeal is properly taken from a subsequent judgment only when it disturbs or revises the legal rights and obligations settled by a prior judgment). Although the July 10 costs order is likely appealable as a special order after final judgment, we explained that appellant's September 3, 2013, notice of appeal was untimely to substantively challenge the costs award, notice of entry of which was served on July 19, 2013. NRAP 4(a)(1); NRAP 26(c).


In a timely response to our show cause order, appellant argues that the August 7 judgment should be appealable under NRAP 3A(b)(1), as it effectuated the costs award as required by NRS 18.120 and NRS 18.180. Respondent replies that this court has allowed appeals from several orders that are not self-executing, such as orders granting motions to dismiss and for summary judgment, and that, here, only the July 10 order was appealable.

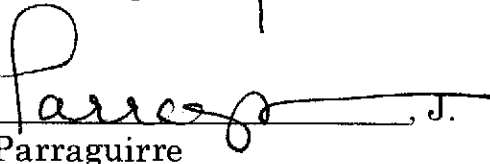
The August 7 judgment is not appealable. In *Campos-Garcia v. Johnson*, ___ Nev. ___, ___ P.3d ___ (Adv. Op. No. 64, August 7, 2014), we explained that judgments that merely duplicate earlier, appealable orders are not themselves appealable. Here, the judgment did not disturb or revise either the rights and obligations settled in the final summary judgment or the terms of the July 10 post-judgment costs award. As a result, the judgment was superfluous and unappealable. *Id.* As appellant failed to timely appeal from the July 10 award, we

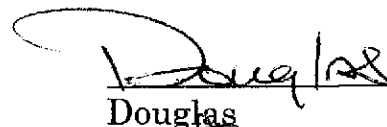
ORDER this appeal DISMISSED.

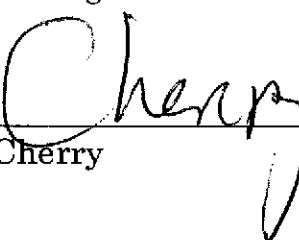

_____, C.J.
Gibbons



_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Elliott A. Sattler, District Judge
Jeffrey A. Dickerson
Holland & Hart LLP/Reno
Washoe District Court Clerk