

IN THE SUPREME COURT OF THE STATE OF NEVADA

HORIZONS AT SEVEN HILLS
HOMEOWNERS ASSOCIATION,
Appellant,
vs.
IKON HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Respondent.

No. 63996

FILED

AUG 27 2014

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

ORDER DISMISSING APPEAL

This is an appeal from an August 18, 2013, district court judgment awarding attorney fees and costs. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

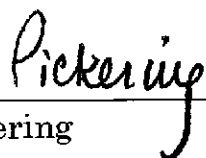
When our preliminary review of the docketing statement and the NRAP 3(g) documents revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we noted that the August 18, 2013, judgment appealed from appeared to merely duplicate earlier July 3 and July 23, 2013, orders awarding costs and attorney fees, respectively, and thus, the judgment did not appear substantively appealable. Further, we explained that appellant's September 5, 2013, notice of appeal appeared to have been untimely filed more than 33 days from service of the orders' notices of entry, which were served by mail on July 19 and 25, 2013. NRAP 4(a)(1); NRAP 26(c).

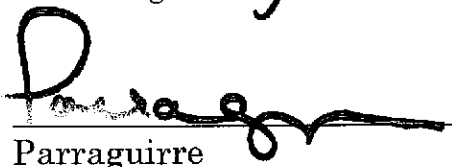
In its timely response to our show cause order, appellant argues that neither of the July orders are judgments, but instead, they merely reference awards of costs and attorney fees. Appellant asserts that none of the authorities cited in our order indicates that a subsequent,


“arguably superfluous” judgment is not appealable, and NRAP 3A(b)(1) (final judgment) and (8) (special order after final judgment) allow for this appeal.

But we have repeatedly held that appealability does not depend on whether a written decision is labeled order or judgment but rather on what the decision does. *Lee v. GNLV Corp.*, 116 Nev. 424, 427, 996 P.2d 416, 418 (2000) (citing NRCP 54(a) and several prior decisions). Here, both July orders were entered after the final judgment and awarded amounts to respondent for costs and attorney fees, and thus, they were appealable as special orders after final judgment. NRAP 3A(b)(8); *Lee*, 116 Nev. at 426, 996 P.2d at 417. Additionally, in a recent opinion, this court confirmed that superfluous judgments, or ones that merely repeat the contents of previously entered orders, are not appealable. *Campos-Garcia v. Johnson*, 130 Nev. ___, ___ P.3d ___ (Adv. Op. No. 64, August 7, 2014). Here, the August 18 judgment merely repeated the contents of the July 3 and 23 orders. Accordingly, it was superfluous, and we lack jurisdiction over this appeal. Thus, we

ORDER this appeal DISMISSED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Mark R. Denton, District Judge
Holland & Hart LLP/Las Vegas
Adams Law Group
Brown Brown & Premsrirut
Eighth District Court Clerk