IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY L. LEWIS AND VICKIE L. LEWIS, AS INDIVIDUALS,

Appellants,

vs.

WILLIAM R. FORD, JR., INDIVIDUALLY; AND FOXGLOVE, INC., A WYOMING CORPORATION,

Respondents.

No. 35974

FILED

MAR 05 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from the district court's orders implementing the parties' settlement agreement, issuing a writ of restitution, and denying a motion for reconsideration. Our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) revealed several potential jurisdictional defects.

Specifically, this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.[1] There is no such authorization for an appeal from an order approving or implementing a settlement.[2] Further, "this court has jurisdiction to entertain an appeal only where the appeal is brought by an aggrieved party."[3] "A

[1]Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

[2]See NRAP 3A(b); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 444-45, 874 P.2d 729, 733 (1994); accord Ahls v. Sherwood/Division of Harsco Corp., 473 N.W.2d 619, 623 (Iowa 1991) (holding that a trial court's order reciting that the parties have settled and that the plaintiff's claims will be dismissed is not appealable as a final order).

[3]Ginsburg, 110 Nev. at 446, 874 P.2d at 734 (emphasis omitted); see also NRAP 3A(a).

party is not 'aggrieved' by an order entered pursuant to a voluntary settlement agreement."[4]

Consequently, we noted that neither the district court's order implementing the settlement agreement, nor the issuance of the writ of restitution, which was contemplated in the settlement agreement, is properly before this court. We also observed that the district court's order denying the motion for reconsideration is not appealable.[5] Accordingly, on November 30, 2000, we directed appellants to show cause why their appeal should not be dismissed for lack of jurisdiction.

Having received no response, and having further reviewed the jurisdictional issues presented, we conclude that our preliminary jurisdictional assessment was correct. Accordingly, as we lack jurisdiction over this appeal, we

ORDER this appeal DISMISSED.[6]

Shearing, J.

Agosti, J.

Leavitt, J.

cc: Hon. Connie J. Steinheimer, District Judge
Thomas W. Gruesen, Settlement Judge
Hampton M. Young, Jr.
Robert E. Dickey, Jr.
Jack S. Grellman
Washoe County Clerk

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[4]St. Louis Airport Hilton v. Marriott Corp., 888 S.W.2d 752, 753 (Mo. Ct. App. 1994); see also Ginsburg, 110 Nev. at 446, 874 P.2d at 734.

[5]Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).

[6]We deny as moot appellants' counsel's November 14, 2000 motion to withdraw.