

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONALD K. MCGHAN,  
Appellant,  
vs.  
GEORGE C. SWARTS,  
Respondent.

No. 36022

**FILED**

JUN 30 2000

WILLETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order directing the transfer of certain furniture and stock warrants to a receiver whom the district court appointed to oversee the affairs of Medical Device Alliance, Inc. Our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect. Specifically, it appeared that the judgment or order designated in the notice of appeal was not substantively appealable. See NRAP 3A(b). Accordingly, on May 10, 2000, we entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

In response to our order, appellant asserts that the district court's order is an appealable final judgment pursuant to NRAP 3A(b)(1). A final judgment, however, is one that resolves all claims against all parties. See Lee v. GNLV Corp., 116 Nev. \_\_\_, 996 P.2d 416, 418 (2000). Here, the district court's order is interlocutory; the district court proceedings are ongoing, and involve several other parties and pending counterclaims and cross-claims. Consequently, the order is not appealable as final under NRAP 3A(b)(1).

Alternatively, appellant maintains that the district court's order is one appointing a receiver within the meaning of NRAP 3A(b)(2) (providing that an appeal may be taken from "an order . . . appointing or refusing to appoint a receiver"). The district court's order does not, however, appoint a receiver; instead, the order merely directs the previously-

appointed received to transfer certain furniture and stock warrants. Accordingly, the order is not appealable as an order appointing a receiver.<sup>1</sup>

Finally, appellant contends that the district court's order is appealable as granting an injunction. See NRAP 3A(b)(2) (authorizing an appeal from an order "granting or refusing to grant or dissolving or refusing to dissolve an injunction"). With respect to this order, however, the parties neither sought nor obtained an injunction. See NRCP 65 (setting forth the requirements for injunctions); NRS 78.650 (providing that stockholders can apply for an injunction as well as the appointment of a receiver when the corporation is mismanaged). Therefore, the district court's order is not appealable as an order granting an injunction.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984). As we conclude that no statute or rule authorizes an appeal from the instant order, we

ORDER this appeal dismissed.<sup>2</sup>

<u>Young</u> Young	J.
<u>Agosti</u> Agosti	J.
<u>Leavitt</u> Leavitt	J.

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<sup>1</sup>We note that appeals have been taken from the district court's order appointing a receiver and the court's subsequent order denying a motion to terminate the receivership. See Medical Device Alliance, Inc. v. Ahr, et. al., Docket Nos. 34586, 35013.

<sup>2</sup>On April 27, 2000, appellant filed an original petition for a writ of prohibition challenging the district court order at issue here. That petition was denied. See McGhan v. District Court, Docket No. 36102 (Order denying petition, April 27, 2000).

cc: Hon. Nancy M. Saitta, District Judge  
Schreck Morris  
Harrison Kemp & Jones, Chtd.  
Clark County Clerk