

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA, DEPARTMENT
OF BUSINESS AND INDUSTRY,
DIVISION OF INSURANCE; AND
ALICE MOLASKY-ARMAN,
COMMISSIONER OF INSURANCE,
Appellants,

vs.

ALL STAR BAIL BONDS, INC., A
NEVADA CORPORATION; ANGELA
MAYFIELD, AN INDIVIDUAL;
GEORGE GARCIA, AN INDIVIDUAL;
AND JAMES LYON, AN INDIVIDUAL,
Respondents.

No. 36293

FILED

MAY 16 2002

JANE F. M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a petition for judicial review and remanding the matter to the administrative agency for further proceedings. Previously, our review of the documents and briefs before this court revealed a potential jurisdictional defect. Because it appeared that the order appealed from was not substantively appealable,¹ we directed appellants to show cause why this appeal should not be dismissed for lack of jurisdiction.

In response, appellants contend that the district court's order is a final, appealable judgment because it purportedly instructs the administrative agency merely to enter an order in accordance with the district court's instructions. We disagree.

In Clark County Liquor v. Clark,² we held that no court rule or statute authorized an appeal from a district court order remanding a case

¹See Clark County Liquor v. Clark, 102 Nev. 654, 730 P.2d 443 (1986); cf. Bally's Grand Hotel v. Reeves, 112 Nev. 1487, 929 P.2d 936 (1996).


²102 Nev. 654, 730 P.2d 443.

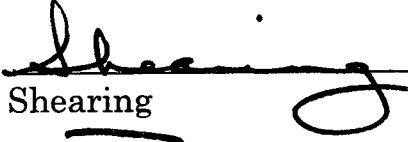
to an administrative agency. However, in Bally's Grand Hotel v. Reeves,³ we distinguished from Clark County Liquor those cases where the issue remanded to the administrative agency is merely collateral to the district court's final judgment. Here, the district court determined that, while the settlement terms as to respondents Angela Mayfield, George Garcia, and James Lyon were adequately established during the November 18, 1998 hearing, the settlement terms as to All Star Bail Bonds were unclear. Accordingly, the court specifically ordered:


[A]s to All Star, that the matter be remanded to the Department of Administration for hearing [sic] on the scope and effectuation of the parties' settlement and for his findings and recommendations as to such settlement.

This instruction contemplates that the administrative agency is to undertake further substantive proceedings as to All Star. We thus conclude that Bally's Grand Hotel does not apply. As we lack jurisdiction over this appeal, we

ORDER this appeal DISMISSED.⁴


_____, C.J.
Maupin


_____, J.
Shearing


_____, J.
Rose

³112 Nev. 1487, 929 P.2d 936.

⁴In light of this order, we deny as moot appellants' motion for stay.

cc: Hon. Mark R. Denton, District Judge
Attorney General/Carson City
Bell Lukens & Kent
Callister & Reynolds
Dominic P. Gentile, Ltd.
Clark County Clerk