

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN FERRARO,  
Appellant,  
vs.  
STATE OF NEVADA, DEPARTMENT  
OF AGRICULTURE,  
Respondent.

No. 70706

FILED

DEC 16 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

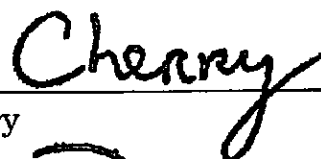
ORDER DISMISSING APPEAL

This is an appeal from a district court order vacating a December 22, 2014, judgment and from an order of limited remand. Sixth Judicial District Court, Humboldt County; Jim C. Shirley, Judge.


When our initial review of the docketing statement and documents before this court revealed potential jurisdictional defects, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. We questioned whether the December 22, 2014, order was a final judgment, such that the subsequent orders challenged in this appeal are appealable as special orders after final judgment. Specifically, appellant filed a single document in the district court containing both a petition for judicial review pursuant to NRS 233B.130 and a complaint. The documents before this court indicate, and appellant does not dispute, that the December 22, 2014, order does not finally resolve the claims in the complaint, because it set a hearing to resolve the issue of damages. The order also does not specifically resolve several claims asserted in the complaint. While appellant asserts that the petition and complaint are separate and distinct judicial proceedings, it does not appear that the petition and complaint were bifurcated or treated as separate proceedings in the district court at the time the challenged

orders were entered.<sup>1</sup> It thus appears that the December 22, 2014, order is not a final judgment disposing of all issues presented in the case and leaving nothing for the court's future consideration. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Because appellant fails to demonstrate that a final judgment has been entered, he also fails to demonstrate that the challenged orders are appealable as special orders after final judgment under NRAP 3A(b)(8). Further, appellant does not assert, and it does not appear, that the challenged orders are otherwise appealable. *See NRAP 3A(b)*. Accordingly, we conclude that we lack jurisdiction, and we

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

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

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<sup>1</sup>The district court docket entries indicate that a motion to bifurcate was filed after entry of the orders challenged on appeal. There is no indication that the motion was granted or ruled upon prior to the filing of the notice of appeal.

<sup>2</sup>Given this order, we take no action on respondent's motion to dismiss this appeal.

cc: Hon. Jim C. Shirley, District Judge  
Janet L. Chubb, Settlement Judge  
Smith & Harmer  
Attorney General/Carson City  
Attorney General/Reno  
Humboldt County Clerk