

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEWIS GAZDA,
Appellant,
vs.
GREG HAMILTON,
Respondent.

No. 71255

FILED

MAY 11 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion to dismiss. Eighth Judicial District Court, Clark County; Rob Bare, Judge.


When our initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that claims remain pending in the district court such that the challenged order is not appealable as a final judgment, and no other statute or court rule allows an appeal from an interlocutory order denying a motion to dismiss.

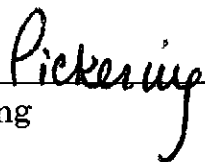
Having considered appellant's response as well as respondent's reply, we conclude that we lack jurisdiction over this appeal. Because the underlying claims against appellant remain pending in the district court, the challenged order is not appealable as a final judgment. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment as one that disposes of all issues presented in a case, leaving nothing for the court's future consideration except for post-judgment issues). It does not appear that any other statute or court rule authorizes an appeal from the order. *See Brown v. MHC Stagecoach*, 129

Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court may only consider appeals as authorized by a statute or court rule). And jurisdiction cannot be found based upon any policy considerations implicated by the appeal, or the fact that the issues raised may be prone to repetition and evade review. To the extent appellant asks that this appeal be treated as an original petition for a writ of mandamus or prohibition, we decline to do so. Accordingly, we

ORDER this appeal DISMISSED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Rob Bare, District Judge
Salvatore C. Gugino, Settlement Judge
Gazda & Tadayon
John W. Muije & Associates
Eighth District Court Clerk

¹Respondent suggests that we impose sanctions against appellant for filing a frivolous appeal and pursuing the appeal in a frivolous manner. See NRAP 38. We decline to do so.