

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SOCORRO KEENAN A/K/A KEENAN
LOPEZ,
Appellant,
vs.
LETICIA ACOSTA,
Respondent.

No. 71512

FILED

MAY 15 2017

IN WASHINGTON
CLERK OF THE COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

Appellant Socorro Keenan A/K/A Keenan Lopez appeals from a district court order denying a motion to set aside a default judgment. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Our review of the documents before us reveals a potential jurisdictional defect. Specifically, it appears that the district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties. In particular, although the district court entered a default judgment against Keenan on November 30, 2015,¹ that order did not resolve respondent Leticia Acosta's claims against David Bryce Finley and TGLG of Nevada, LLC, which the record indicates remain pending

¹The November 30 order also entered a default judgment against defendant Erik W. Burton, who is not a party to this appeal.


below.² Thus, the November 30 default judgment was not a final judgment insofar as it did not dispose of all of the claims raised in Acosta's complaint. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (“[A] final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney[] fees and costs.”). And while the default judgment resolved all of Acosta's claims against Keenan, the district court did not certify that judgment as final pursuant to NRCP 54(b).


An order denying a motion to set aside a judgment is generally appealable as a special order after final judgment under NRAP 3A(b)(8). *See Holiday Inn Downtown v. Barnett*, 103 Nev. 60, 63, 732 P.2d 1376, 1379 (1987) (recognizing that an order denying NRCP 60(b) relief can be appealed as a special order after final judgment). But absent the entry of a final judgment resolving all of the underlying claims or an order certifying the default judgment as final pursuant to NRCP 54(b), it follows that the district court's order denying the motion to set aside the default judgment cannot be appealed as a special order made *after* a final judgment. And because no statute or court rule authorizes an appeal from an interlocutory order denying a motion to set aside a default judgment, we lack jurisdiction to consider this appeal. *See Taylor Constr. Co. v.*

²Keenan's informal brief acknowledges that no judgment has been entered against TGLG, but asserts that Acosta settled her claims against Finley, although no order resolving the claims against Finley based on this purported settlement appears in the district court record.

Hilton Hotels Corp., 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (noting that the appellate courts generally have jurisdiction to consider an appeal only when authorized by statute or court rule). Accordingly, we

ORDER this appeal DISMISSED.³


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

³Although Keenan's notice of appeal designates only the order denying the July 1, 2016, motion to set aside the November 30, 2015, default judgment as being appealed, her informal brief also seems to challenge the default judgment itself. But as discussed above, this default judgment is not an appealable final judgment under NRAP 3A(b)(1), see *Lee*, 116 Nev. at 426, 996 P.2d at 417, and it was not certified as final pursuant to NRCP 54(b). Thus, we lack jurisdiction to consider any appeal from the November 30 default judgment. And based on this same reasoning, we likewise cannot review the district court's denial of Keenan's request for reconsideration of the denial of her motion to set aside the default judgment. See *Arnold v. Kip*, 123 Nev. 410, 416-17, 168 P.3d 1050, 1054 (2007) (explaining that an order denying a motion for reconsideration is not substantively appealable, but is reviewable in the context of an appeal from the final judgment).

cc: Hon. Ronald J. Israel, District Judge
Socorro Keenan
Lambrose Brown, PLLC
Eighth District Court Clerk