

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH R. GROSS,

Appellant,

vs.

KATHRYN A. GROSS,

Respondent.

No. 36643

FILED

MAY 10 2001

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

ORDER GRANTING MOTION TO VOLUNTARILY DISMISS APPEAL

This is an appeal from a district court order concerning child custody, visitation, alimony, attorney fees, and the imposition of a lien on appellant's property in this divorce proceeding.

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.¹ An appeal may be taken "[f]rom a final judgment in an action or proceeding commenced in the court in which the judgment is rendered".² A final judgment is one that disposes of the issues presented in the case and leaves nothing for the future consideration of the court.³

In the present case, it did not appear that the district court had entered a final order in the divorce proceeding at the time appellant filed the notice of appeal. Therefore, on March 7, 2001, we ordered appellant to show cause why this court has jurisdiction to entertain this appeal. On April 6, 2001, in response to our order to show cause, appellant filed the present voluntary motion to

¹See NRAP 3A(b).

²NRAP 3A(b)(1).

³See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

dismiss. On April 12, 2001, respondent filed a response to the motion to dismiss and a countermotion for attorney fees. Both parties concede that this court lacks jurisdiction over this appeal, for the district court has not entered a decree of divorce. Accordingly, we grant appellant's motion to voluntarily dismiss this appeal and we order each party to bear his or her own attorney fees and costs.⁴

It is so ORDERED.

Young J.
Young

Leavitt J.
Leavitt

Becker J.
Becker

cc: Hon. Robert W. Lueck, District Judge,
Family Court Division
Lamond R. Mills & Associates, LLC
Perlstein & Robbins
Clark County Clerk

⁴See NRAP 42(b).