

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAURA CANALE,
Appellant,
vs.
TIMOTHY CANALE,
Respondent.

No. 72954

FILED

SEP 10 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order determining that spousal support is subject to review and modification. Eighth Judicial District Court, Clark County; Vincent Ochoa, Judge.

When our review of the documents before us revealed a potential jurisdictional defect—specifically that this appeal appeared to be prematurely filed before the entry of a final, appealable order resolving respondent’s motion to modify spousal support—we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant has responded to our show cause order as directed. Having considered appellant’s response, we conclude we lack jurisdiction over this appeal and therefore order the appeal dismissed.

As noted in our show cause order, the March 28, 2017, order challenged in this case resolves part of respondent’s request to reduce spousal support by determining that the spousal support is “subject to review and possible modification pursuant to NRS 125.150(7).” But the March 28 order does not fully resolve the request to modify spousal support by actually determining whether spousal support will be modified and, if

that question is answered in the affirmative, setting a new spousal support amount.

In responding to this court's show cause order, appellant argues that a subsequent June 28, 2017, order is a final determination as to the modification of the spousal support award. This argument lacks merit.

As detailed above, the March 28 order determines that the previous award was modifiable, but it makes no determination as to a new spousal support award or even whether the award will actually be modified. Although the district court set an evidentiary hearing on whether the award should be modified, that hearing seemingly never took place. And the June 28 order appellant contends is a final determination as to the modification of spousal support does not resolve the remaining support issues. Instead, it makes clear that they remain pending before the district court.¹

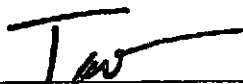
As set forth in the June 28 order, the issue of "whether a change in circumstances warranting . . . modification" was to be decided at an evidentiary hearing, but at the time of that order's entry, that hearing was "indefinitely delayed" by the filing of this appeal. But absent a decision on whether modification is warranted and, if so, a determination of a new

¹In our show cause order, we noted that, after the March 28 order's entry, the district court temporarily reduced the spousal support award pending the evidentiary hearing. While appellant notes that the June 28 order ended this temporary reduction in support, this change does not impact our determination that we lack jurisdiction over this matter. Notably, the district court ended the temporary reduction due to the indefinite delay of the evidentiary hearing caused by the appeal, concluding that this change in support was not meant to be "an indefinite reduction" in support "without further evidence regarding the need for possible modification" at the hearing. Thus, contrary to appellant's arguments, this adjustment only further emphasizes that no final decision on the motion to modify spousal support has been made.

support payment, no final, appealable decision on respondent's motion to modify spousal support has been made. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (providing that a final order disposes of all the issues presented and leaves nothing for the future consideration of the court). Appellant, however, has not pointed to any district court order that finally resolves these questions. Under these circumstances, we must conclude that we lack jurisdiction to consider this appeal. *See Taylor Constr. Co. v. 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.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Vincent Ochoa, District Judge
Robert E. Gaston, Settlement Judge
Molnar Family Law
Mills, Mills & Anderson
Eighth District Court Clerk