

Court of Appeals <sup>CA</sup>  
IN THE ~~SUPREME COURT~~ OF THE STATE OF NEVADA

TERRA CONTRACTING, LLC,  
Appellant,  
vs.  
LUCIA LUCAS BARRAGAN, AS  
PERSONAL REPRESENTATIVE FOR  
HECTOR LOPEZ, DECEASED,  
Respondent.

No. 67126

**FILED**

**MAR 11 2016**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order granting a petition for judicial review in an occupational disease matter. Our review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) revealed a potential jurisdictional defect. Specifically, it appeared that the district court's order was not a substantively appealable, final order or judgment. See NRS 233B.150 (providing for an appeal from any final judgment of the district court in an administrative case as in other civil cases); NRAP 3A(b)(1) (providing for an appeal from a final judgment in a civil action). Thus, on February 5, 2016, we issued an order to show cause why this appeal should not be



dismissed for lack of jurisdiction. Appellant has filed a response to our February 5 order, and respondent has filed a reply.<sup>1</sup>

Having considered the parties' arguments and the documents before us, we conclude that the district court's order granting the petition for review and remanding the underlying matter to the appeals officer for a rehearing on the merits was not a final, appealable judgment. *See State, Taxicab Auth. v. Greenspun*, 109 Nev. 1022, 1025, 862 P.2d 423, 425 (1993) (concluding that an order of remand directing the Taxicab Authority to consider evidence that it initially refused to review was not a final judgment and declining to adopt the "collateral order doctrine," which permits interlocutory appeals from certain non-final orders of remand); *Clark Cty. Liquor & Gaming Licensing Bd. v. Clark*, 102 Nev. 654, 657-58, 730 P.2d 443, 446 (1986) (concluding that a district court order remanding a matter to the Clark County Liquor and Gaming Licensing Board for discovery was not appealable as a final order). As no rule or statute authorizes an appeal from the district court's order, we conclude that we lack jurisdiction over this appeal. *See Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000) (explaining that no appeal may be taken except where authorized by rule or statute); *Clark Cty. Liquor*, 102 Nev. at 658, 730 P.2d at 446 ("There is no statute authorizing appeal from an order remanding a case to an

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<sup>1</sup>Because appellant's response was filed by the clerk of the court on February 19, 2016, we deny as moot appellant's February 17, 2016, motion for an extension of time to file the response.


administrative body.”). Moreover, we decline appellant’s request to treat this appeal as a petition for a writ of mandamus.

Accordingly, we

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

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Timothy C. Williams, District Judge  
Janet Trost, Settlement Judge  
Law Offices of David Benavidez  
Rodriguez Law Offices, P.C.  
Eighth District Court Clerk

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<sup>2</sup>Nothing in this order prevents appellant from appealing any future final order by the district court resolving a petition for judicial review in this matter if appellant is aggrieved by such order.