

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REBECCA MCMAHON,
Appellant,
vs.
JEFFREY ROBERT LEGRECA,
Respondent.

No. 69212

REBECCA MCMAHON,
Appellant,
vs.
JEFFREY ROBERT LEGRECA,
Respondent.

No. 69213

FILED

NOV 16 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEALS

These are consolidated appeals from district court orders affirming a hearing master's recommendation to decline to dismiss the underlying matter for lack of jurisdiction and dissolving two temporary protection orders (TPOs) nunc pro tunc. Previously, the Nevada Supreme Court ordered appellant to show cause why these appeals should not be dismissed for lack of jurisdiction, noting that an order dissolving a TPO is not appealable. After the parties responded, the supreme court concluded, without prejudice to the right to reconsider the issue as briefing progressed, that it had jurisdiction over the appeals.


Having now considered the parties' briefs and the record on appeal, we conclude that we lack jurisdiction to consider these appeals. In particular, appellant argues that we have jurisdiction because the order dissolving the TPOs purportedly resolved a motion under NRCP 60(b)(3)

and such an order is appealable under NRAP 3A(b)(8) as a special order after final judgment. But to constitute a special order after final judgment, there must be a final judgment. See *Gumm v. Mainor*, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002) (explaining that, to be appealable, a special order after final judgment “must be an order affecting the rights of some party to the action, growing out of the judgment previously entered”). Here, the underlying TPOs were only temporary orders, rather than final judgments. See *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining final judgment); *In re Temp. Custody of Five Minor Children*, 105 Nev. 441, 443, 777 P.2d 901, 902 (1989) (concluding that a temporary order subject to periodic review by the court is not a final judgment).


Because the TPOs were not final judgments and no other final judgment was entered in the underlying action, the order dissolving the TPOs could not be considered a special order after final judgment. See *Gumm*, 118 Nev. at 920, 59 P.3d at 1225. Moreover, as noted in the Nevada Supreme Court’s order to show cause, no statute or court rule provides for an appeal from an order dissolving a temporary protective order. See NRS 33.080(2) (discussing dissolution of a temporary protective order); NRAP 3A(b) (identifying the orders and judgments from which an appeal may be taken); *Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (explaining that no appeal may be taken except where authorized by statute or court rule). Finally, appellant presents no argument that the district court’s order affirming the hearing master’s recommendation was an appealable order. In the

absence of an appealable order, we conclude that we lack jurisdiction, and we therefore,

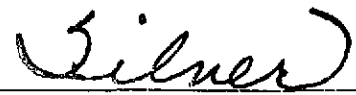
ORDER these appeals DISMISSED.¹



Gibbons C.J.



Tao J.



Silver J.

cc: Hon. Linda Marquis, District Judge, Family Court Division
Hofland & Tomsheck
Weide & Miller, Ltd.
Law Office of Karen H. Ross
Eighth District Court Clerk

¹We decline appellant's request to treat these appeals as petitions for extraordinary relief. If appellant seeks to challenge the district court's orders by way of a writ petition, she must file a separate petition for extraordinary relief that fully complies with NRAP 21.