

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE FOOTHILLS AT SOUTHERN
HIGHLANDS HOMEOWNERS'
ASSOCIATION,

Appellant,

vs.


THE BANK OF NEW YORK MELLON,
F/K/A THE BANK OF NEW YORK, AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS CWALT,
INC., ALTERNATIVE LOAN TRUST
2006-OA16, MORTGAGE PASS-
THROUGH CERTIFICATES,

Respondent.

No. 77506

FILED

NOV 08 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion to set aside a default judgment. Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

When this court's initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect, this court ordered appellant to show cause why the appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that while an order denying a motion to set aside a default judgment is appealable as a special order after final judgment, *see* NRAP 3A(b)(8), here, no final judgment has been entered in the district court. Without a final judgment, there can be no special order after final judgment.

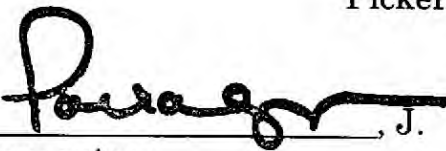
In response, appellant agrees that no final judgment has been entered in the district court. Nevertheless, appellant asks that this court refrain from dismissing this appeal because the failure to resolve the pending claim was simply an oversight which the district court may remedy

once notified of the oversight. Appellant does not state that the parties have taken any steps to resolve the pending claims.

Because the district court has not yet entered a final judgment appealable under NRAP 3A(b)(1), *see Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment), the order challenged in this appeal is not appealable as a special order after final judgment. No other statute or court rule appears to authorize an appeal from the challenged order. *See Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court “may only consider appeals authorized by statute or court rule”). Accordingly, this court

ORDERS this appeal DISMISSED.¹


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Richard Scotti, District Judge
Janet Trost, Settlement Judge
Leach Kern Gruchow Anderson Song/Las Vegas
Akerman LLP/Las Vegas
Eighth District Court Clerk

¹Any aggrieved party may file a new notice of appeal once the district court enters an appealable order.

The stipulation to stay this appeal pending resolution of the appeal in Docket No. 77026 is disapproved.