

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZITTING BROTHERS  
CONSTRUCTION, INC.,  
Appellant,  
vs.  
FENNEMORE CRAIG, P.C.,  
Respondent.

No. 79301

**FILED**

NOV 25 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order granting a motion for determination of potential attorney conflict. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

Respondent has filed a motion to dismiss this appeal for lack of jurisdiction. Respondent contends that the challenged order is more appropriately challenged through a petition for writ of mandamus. Appellant counters that the challenged order is appealable as a final judgment under NRAP 3A(b)(1) as it is an independent proceeding. Alternatively, appellant argues that the challenged order is appealable as a special order entered after final judgment under NRAP 3A(b)(8).

This court has repeatedly stated that mandamus relief generally is an appropriate means to challenge district court orders regarding lawyer disqualification matters. *Nevada Yellow Cab Corp. v. Eighth Judicial Dist. Court*, 123 Nev. 44, 49, 152 P.3d 737, 740 (2007); *Waid v. Eighth Judicial Dist. Court*, 121 Nev. 605, 119 P.3d 1219 (2005); *Leibowitz v. Eighth Judicial Dist. Court*, 119 Nev. 523, 78 P.3d 515 (2003). The right to an appeal is statutory; if no statute or court rule provides for

an appeal, no right to appeal exists. *See Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). No statute or court rule provides for an appeal from an attorney disqualification order. Appellant's arguments that the challenged order is appealable as a final judgment or as a special order after final judgment lack merit. Accordingly, respondent's motion is granted and we

ORDER this appeal DISMISSED.

*Hardesty*, J.  
Hardesty

*Stiglich*, J.  
Stiglich

*Silver*, J.  
Silver

cc: Hon. Mark R. Denton, District Judge  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas  
Fennemore Craig, P.C./Las Vegas  
Fennemore Craig, P.C./Phoenix  
Eighth District Court Clerk