

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARTHUR J. BAYER, JR.,
INDIVIDUALLY; AND ARTHUR J.
BAYER, JR., AS TRUSTEE OF THE
BAYER FAMILY REVOCABLE LIVING
TRUST,

Appellants,

vs.

NATIONSTAR MORTGAGE LLC, D/B/A
MR. COOPER; WELLS FARGO BANK,
N.A.; AND AFFINIA DEFAULT
SERVICE, LLC,

Respondents.

No. 81479

FILED

AUG 14 2020

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying an application for default. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Respondent Nationstar Mortgage, LLC, has filed a motion to dismiss this appeal for lack of jurisdiction. The motion is joined by respondent Affinia Default Service, LLC. Nationstar asserts that the challenged order is not appealable as a final judgment under NRAP 3A(b)(1). Appellants oppose the motion, arguing that the order is final as to the dismissal of Wells Fargo Bank.¹ Nationstar has replied.


This court “may only consider appeals authorized by statute or court rule.” *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). The challenged order is not appealable as a final judgment

¹Appellants also argue that Nationstar lacks authority to file a motion to dismiss this appeal. As a respondent to this appeal, Nationstar may properly file a motion to dismiss.

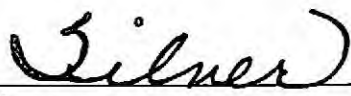
under NRAP 3A(b)(1) because it does not finally resolve all claims as to all parties in the underlying district court action. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). FMR 24 does not authorize an appeal from an interlocutory order such as the one challenged here. To the extent appellants contend that the appeal is authorized by FMR 12 or NRCP 19, this contention lacks merit.

As no statute or court authorizes this appeal from the challenged order, this court lacks jurisdiction. The motion to dismiss is granted, and this court

ORDERS this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Kathleen M. Drakulich, District Judge
Arthur J. Bayer, Jr.
Akerman LLP/Las Vegas
McCalla Raymer Leibert Pierce, LLP
Buckley Madole, P.C.
Washoe District Court Clerk