

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID ALLEN AND ASSOCIATES, A
PARTNERSHIP; AND DAVID ALLEN,

Appellants,

vs.

D P HOLDINGS, INC.,

Respondent.

No. 37540

FILED

MAY 17 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellants' second motion for clarification and/or reconsideration, entered on January 31, 2001. On March 19, 2001, respondent D P Holdings, Inc., moved to dismiss this appeal for lack of jurisdiction. Specifically, D P Holdings points out that the order denying reconsideration is not an appealable order.¹

In their response, appellants assert that the order is a final judgment pursuant to NRAP 3A(b). But contrary to their assertion, the January 31, 2001 order does not adjudicate all issues presented in the case; it merely denies their second motion for clarification or reconsideration. Appellants also refer to a minute order that was entered by the district court on October 9, 2000, which purportedly dismissed the entire action. One cannot, however, appeal from a minute order, which is ineffective for any purpose.²

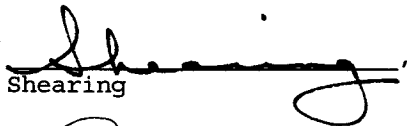
We conclude that we lack jurisdiction over this appeal. Appellants have appealed from an order denying

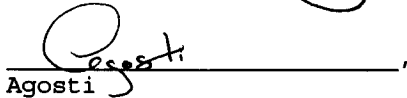
¹See *Alvis v. State, Gaming Control Bd.*, 99 Nev. 184, 660 P.2d 980 (1983).

²See *Rust v. Clark Cty. School District*, 103 Nev. 686, 747 P.2d 1380 (1987).

reconsideration, and such an order is not substantively
appealable.³ Accordingly, we grant the motion to dismiss and

ORDER this appeal DISMISSED.⁴


Shearing J.


Agosti J.


Rose J.

cc: Hon. Stephen L. Huffaker, District Judge
Brice Buehler, Settlement Judge
Tobler & Truman
Earl Monsey
Clark County Clerk

³Alvis, 99 Nev. at 186, 660 P.2d at 981. We note that a written order dismissing the underlying action was entered on October 24, 2000, and a notice of entry was filed on October 31, 2000. Thus, even if we were to construe this appeal as being from October 24, 2000 order, appellants' notice of appeal would be untimely. See NRAP 4(a).

⁴In light of this disposition, we deny as moot appellants' motion for a stay, filed on April 26, 2001. We also deny respondent's motion for leave to file a reply to appellants' opposition to the motion to dismiss. Further, we deny respondent's request for sanctions under NRAP 38, as sanctions are not warranted. Lastly, we vacate the notice of settlement conference issued on March 27, 2001.