

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY ESTRADA, AN INDIVIDUAL,
Appellant,
vs.
SHEILA A. WARNER,
Respondent.

No. 81642

FILED

MAR 08 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

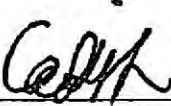
This is an appeal from a district court order granting appellant's motion to set aside a default judgment but denying appellant's motion to dismiss for lack of personal jurisdiction and motion for forum non conveniens. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

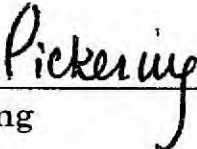
Previously, this court entered an order to show cause directing appellant to demonstrate this court's jurisdiction and show cause why the appeal should not be dismissed. An order granting a motion to set aside a default judgment is not an independently appealable order, *see Estate of Adams v. Fallini*, 132 Nev. 814, 818, 386 P.3d 621, 624 (2016), and appellant is not aggrieved by the decision. In addition, no appeal lies from an order denying a motion to dismiss. *See* NRAP 3A(b) (designating orders and judgments from which an appeal may be taken); *see also First Interstate Bank v. H.C.T., Inc.*, 108 Nev. 242, 250, 828 P.2d 405, 410 (1992).

Appellant has responded and argues that this court should find the challenged order appealable as "[a]n order changing or refusing to change the place of trial" as permitted by NRAP 3A(b)(6). Appellant argues that he was compelled to seek dismissal because a Nevada court is unable

to change the place of trial to a foreign country; thus the only way to get the matter to the allegedly proper forum is to dismiss the action so that it can be refiled in the Philippines. Appellant does not describe a motion to change venue; appellant filed a motion to dismiss, which was denied. Accordingly, this court lacks jurisdiction over the challenged order, and

ORDERS this appeal DISMISSED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Herndon

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 19
Paul M. Haire, Settlement Judge
Gesund & Paillet, LLC
Claggett & Sykes Law Firm
Morris Law Center
Eighth District Court Clerk