

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF EL CAPITAN  
PRECIOUS METALS, INC.

No. 82875

DANIEL GABINO MARTINEZ,  
Appellant,  
vs.  
DOUGLAS SANDERS,  
Respondent.

**FILED**

**AUG 12 2021**

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

*ORDER DISMISSING APPEAL*

This is a pro se appeal from a district court order granting a motion to strike various filings, including a motion for relief under NRCP 60.

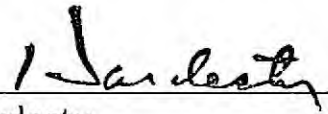
Our review of the record and other documents before this court reveals a jurisdictional defect. Only “[a] party who is aggrieved by an appealable judgment or order” has the right to appeal. NRAP 3A(a). A person is not considered a party within the meaning of NRAP 3A(a) unless he “has been named as a party of record in the trial court.” *Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 448, 874 P.2d 729, 735 (1994). “[I]t has been the consistent policy of this court to foster simplicity, clarity and certainty in our jurisdictional rules by refraining from ad hoc dispensations and exceptions” that would allow persons or entities who were not parties of record to appeal. *Gladys Baker Olsen Family Tr. v. Olsen*, 109 Nev. 838, 841, 858 P.2d 385, 387 (1993).

Further, consistent with our limited appellate jurisdiction, this court construes the term “party” narrowly. For example, in *Valley Bank of Nevada v. Ginsburg*, this court dismissed an appeal brought by nonparty

shareholders seeking to challenge a settlement agreement, even though they had appeared in the district court and objected to the proposed settlement. 110 Nev. at 448, 874 P.2d at 735. We concluded that they were not parties with standing to appeal because “[t]hey never intervened and thus never became parties of record in the trial court.” *Id.*

Here, appellant was not a named party of record in the proceedings below. Nor did he seek to intervene. Therefore, appellant is not a party with standing to appeal. Accordingly, because this court lacks jurisdiction, we

ORDER this appeal DISMISSED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cadish

cc: Hon. Carli Lynn Kierny, District Judge  
Daniel Gabino Martinez  
Leah Martin Law  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, we take no action regarding the letter filed by appellant on July 14, 2021.