

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD N. DETWILER,
Appellant,
vs.
BAKER BOYER NATIONAL BANK, A
WASHINGTON CORPORATION,
Respondent.

No. 81594

FILED

NOV 10 2021

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

ORDER DISMISSING APPEAL


This is an appeal from a postjudgment charging order entered against a non-party to the proceedings. Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

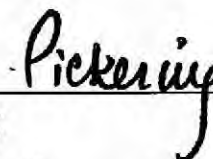
Because appellant is not a named aggrieved party with standing to appeal, this court directed appellant to show cause why the appeal should not be dismissed. See NRAP 3A(a); *Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 874 P.2d 729 (1994). Appellant has responded and largely concedes that appellant is a non-party but argues the district court has treated him as one and so should this court. This court does not have discretion to accept appeals over which the court lacks jurisdiction. See *Callie v. Bowling*, 123 Nev. 181, 186 n. 10, 160 P.3d 878, 881 n. 10 (2007) (“[W]henver a judgment creditor seeks to collect on a judgment from a nonparty, the judgment creditor must file an independent action.”); see also *DeMaranville v. Emp’rs Ins. Co. of Nev.*, 135 Nev. 259, 268 448 P.3d 526, 534 (2019) (rejecting a nonparty’s proposition that it was deprived of due process because the nonparty had standing as a respondent).


This court previously rejected appellant’s arguments that because he has been “treated as a party” by the district court he should have

standing to appeal. See *Detwiler v. Baker Boyer National Bank*, Docket No. 81017 (Order Dismissing Appeal, May 5, 2020). This court defines a party as someone who has been named as a party to the lawsuit and who has been served with process or has appeared. *Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 448, 874 P.2d 729, 735 (1994) (citing *Garaventa Land & Livestock Co. v. Second Judicial Dist. Court*, 61 Nev. 350, 354, 128 P.2d 266, 267-68 (1942)). Appellant has not been named or served, thus it does not appear that appellant was a party to the action below. Therefore, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Herndon

cc: Hon. Richard Scotti, District Judge
Stephen E. Haberfeld, Settlement Judge
Hutchison & Steffen, LLC/Las Vegas
Lewis Roca Rothgerber Christie LLP/Las Vegas
Eighth District Court Clerk