

IN THE SUPREME COURT OF THE STATE OF NEVADA

REZA ZANDIAN, A/K/A GOLAMREZA
ZANDIANJAZI, A/K/A GHOLAM REZA
ZANDIAN, A/K/A REZA JAZI, A/K/A J.
REZA JAZI, A/K/A G. REZA JAZI, A/K/A
GHONOREZA ZANDIAN JAZI, AN
INDIVIDUAL,
Appellant,
vs.
JED MARGOLIN, AN INDIVIDUAL,
Respondent.

No. 82559

FILED

FEB 16 2022

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

ORDER DISMISSING APPEAL

This is an appeal from an order (the enforcement order) granting respondents' Motion to Void Deeds, Assign Property, For Writ of Execution and To Convey, which respondent, Jed Margolin, filed to collect on his prior default judgment against appellant, Reza Zandian. First Judicial District Court, Carson City; James Todd Russell, Judge.

Respondent directly challenges the appealability of the enforcement order under any statute or rule. Appellant responds that the order is appealable as a special order after final judgment (SOAFJ) under NRAP 3A(b)(2). But, as appellant acknowledges, to be appealable as an SOAFJ, an order must "affect[] the rights of some party to the action, growing out of the judgment previously entered." *Gumm v. Mainor*, 118 Nev. 912, 914, 59 P.3d 1220, 1221 (2002). Accordingly, post judgment orders that do not affect rights already incorporated in a judgment are not appealable as SOAFJs. *Murray v. A Cab Taxi Serv. LLC*, No. 81641, 2020 WL 6585946 (Nev. November 9, 2020) (Order Dismissing Appeal). And here, Margolin's right to execute on his default judgment arises from the default judgment itself, not the subsequent enforcement order. Appellant having

effectively conceded that no other statute or rule specifically provides for an appeal from the enforcement order, *see Colton v. Murphy*, 71 Nev. 71, 72, 279 P.2d 1036, 1036 (1955) (holding that a failure to challenge a point raised on appeal “constitutes a clear concession by appellants that there is merit in respondents’ position”), we therefore

ORDER this appeal DISMISSED.

Silver, J.
Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Hon. James Todd Russell, District Judge
Oshinski & Forsberg, Ltd.
Brownstein Hyatt Farber Schreck, LLP/Reno
Carson City Clerk