

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHARI KASSEBAUM,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent.

No. 84008

FILED

MAY 13 2022

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting appellant's petition for judicial review and remanding the matter to the Department of Administration for further administrative proceedings. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.

Respondent moves to dismiss this appeal for lack of jurisdiction, contending, among other things, that the order is not substantively appealable. In particular, respondent argues that the order is not a final judgment appealable under NRAP 3A(b)(1) or NRS 233B.150 because the order remands for further substantive proceedings. Appellant opposes the motion, asserting that although the order was not final at the time it was entered, it became final when the decision on remand was entered.

NRS 233B.150 provides for an appeal of a final judgment entered by the district court in accordance with the rules established by the Supreme Court. Similarly, NRAP 3A(b)(1) allows an appeal from a final judgment entered by the district court. "[A] final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney's fees and costs." *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). In the administrative context, this court has consistently

held that a district court order remanding for further substantive proceedings is not appealable. *See Wells Fargo Bank, N.A. v. O'Brien*, 129 Nev. 679, 680–81, 310 P.3d 581, 582 (2013) (“[A] district court order remanding a matter to an administrative agency is not an appealable order, unless the order constitutes a final judgment on the merits and remands merely for collateral tasks, such as calculating benefits found due.”); *State Taxicab Auth. v. Greenspun*, 109 Nev. 1022, 1025, 862 P.2d 423, 424–25 (1993) (concluding that a district court order remanding to the State of Nevada Taxicab Authority to consider evidence it initially refused to consider was not an appealable final judgment because it did not finally resolve the question presented); *Clark County Liquor v. Clark*, 102 Nev. 654, 657-58, 730 P.2d 443, 446 (1986) (concluding that a district court order remanding to conduct discovery was not appealable as a final judgment); *see also Bally’s Grand Hotel & Casino v. Reeves*, 112 Nev. 1487, 929 P.2d 936 (1996) (a district court order concluding that appellant was entitled to benefits but remanding for the calculation of benefits was a final, appealable order because it finally resolved the substantive issue presented—whether appellant was entitled to benefits). Appellant concedes that the challenged order was not final at the time it was entered. And her assertion that the district court’s order became a final judgment once the decision upon remand was entered is unsupported by cogent argument or citation to authority.

The order challenged in this appeal is not a final judgment appealable under NRAP 3A(b)(1) or NRS 233B.150.¹ As appellant does not assert that any other statute or court rule allows an appeal from the order,

¹Given this conclusion, this court does not reach respondent’s other arguments in support of the dismissal of this appeal.

see *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court “may only consider appeals authorized by statute or court rule”); *Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (the burden of establishing appellate jurisdiction lies with appellant), this court grants respondent’s motion and

ORDERS this appeal DISMISSED.

Silver, J.
Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Hon. Joanna Kishner, District Judge
Lansford W. Levitt, Settlement Judge
Law Office of Daniel Marks
Attorney General/Carson City
Attorney General/Reno
Eighth District Court Clerk