

IN THE SUPREME COURT OF THE STATE OF NEVADA

NANCY TINA RODRIGUEZ,
Appellant,
vs.
RYAN EVAN STOJACK,
Respondent.

No. 85654

FILED

JUN 16 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order in a custody action. Eighth Judicial District Court, Family Court Division, Clark County; Mary D. Perry, Judge. When our review of the docketing statement, briefs, and the record on appeal revealed a potential jurisdictional defect, we ordered appellant, Nancy Rodriguez, to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the order challenged on appeal is not substantively appealable. Rodriguez filed a response to the order to show cause and respondent Ryan Stojack filed a reply.


Rodriguez argues that the challenged order is appealable as a special order entered after final judgment under NRAP 3A(b)(8) because it modified the parties' custody decree with respect to Rodriguez's financial obligation regarding the child's medical expenses. An order may be independently appealable as a special order after final judgment if it substantially affects the rights and obligations of the parties arising from the judgment. *See Gumm v. Mainor*, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002). Here, although the district court's order directed Rodriguez to solely pay for one of the child's medical expenses, the directive was limited by

language stating “until further order of the court.” And the district court scheduled a hearing to consider the parties’ financial situation in that regard, including whether Stojack would be ordered to share in paying the at-issue expense. Thus, the matter of payment for that expense is still pending before the district court. *See generally* NRAP 3A(b) (listing appealable determinations); *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (explaining that a final judgment disposes of all the issues “and leaves nothing for the future consideration of the court”). Accordingly, Rodriguez fails to demonstrate that the challenged order is substantively appealable. *See Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction.”). Thus, this court lacks jurisdiction, and we

ORDER this appeal DISMISSED.


_____, C.J.
Stiglich


_____, J.
Lee


_____, J.
Bell

cc: Hon. Mary D. Perry, District Judge, Family Court Division
Jones & LoBello
Goldstein Flaxman PLLC
Eighth District Court Clerk