

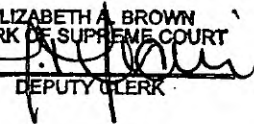
IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILLIP J. FAGAN, JR., AN
INDIVIDUAL AND AS TRUSTEE OF
THE PHILLIP J. FAGAN, JR. 2001
TRUST,
Appellants,
vs.
AAL-JAY, INC., A NEVADA
CORPORATION,
Respondent.

No. 84699

FILED

AUG 17 2023

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

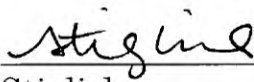
ORDER DISMISSING APPEAL

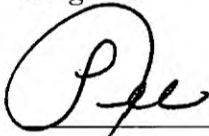
This appeal challenges a district court order in an action involving real property. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge. The case arises out of a dispute over a contract to sell residential property. Respondent AAL-Jay, Inc., argues that we lack jurisdiction over this appeal. We agree and therefore dismiss.

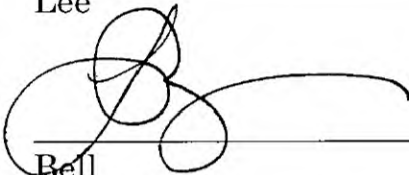
Although appellants (collectively, Fagan) frame the challenged order as one denying a motion for an injunction, the record reflects that the motion challenged an earlier district court order granting specific performance and/or sought clarification of that order. The district court order, therefore, constitutes an order denying a motion for reconsideration and/or clarification. Such an order is not appealable. The challenged order also grants a motion for turnover; discharges the title company from further liability; continues a hearing on Fagan's motion for an order to show cause regarding contempt; and compels Fagan to comply with a previous order, satisfy all lien payoffs existing at a certain time, and execute certain documents. Fagan fails to demonstrate that any of these decisions are independently appealable. *See Valley Bank of Nev. v. Ginsburg*, 110 Nev.

440, 444-45, 874 P.2d 729, 732-33 (1994) (holding that “this court has jurisdiction to entertain an appeal only where an appeal is authorized by statute or court rule” and holding that in determining the finality of an order, this court looks “to what the order or judgment actually *does*, not what it is called”); *see also Lee v. GNLV Corp.*, 116 Nev. 424, 427-28, 996 P.2d 416, 418 (2000) (holding that an order’s title is not determinative of whether it is appealable); NRAP 3A(b) (listing appealable determinations). We therefore

ORDER this appeal DISMISSED.

 _____, C.J.
Stiglich

 _____, J.
Lee

 _____, J.
Bell

cc: Hon. Erika D. Ballou, District Judge
Stephen E. Haberfeld, Settlement Judge
Black & Wadhams
Lewis Roca Rothgerber Christie LLP/Las Vegas
Eighth District Court Clerk