

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID A. SASS,

Appellant,

vs.

MAXINE SILVERBERG, THOMAS
CHRISTENSEN, ESQ., AND W. RANDALL
MAINOR, ESQ.,

Respondents.

No. 38007

FILED

JUL 10 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order denying a motion for reconsideration of an order enforcing an attorney lien. The documents transmitted pursuant to NRAP 3(e) reveal that the underlying personal injury action was filed by respondent Maxine Silverberg. It appears that a partial settlement was reached, and the settlement funds were deposited with the court. Silverberg's former attorney, Thomas Christensen, Esq., filed a motion to enforce an attorney lien in the district court action. On February 26, 2001, the district court entered an order enforcing the attorney lien and authorizing the release of funds deposited with the court as partial satisfaction of the lien.

Appellant David A. Sass, a non-party to the underlying personal injury action, then moved the district court to reconsider its order, arguing that he was entitled to the money deposited with the court.¹ The district court denied appellant's motion on May 3, 2001. Appellant filed a

order. This court's rules extend the right to appeal only to aggrieved parties.² "Party" status requires that the "person or entity has been served with process, appeared in the court below and has been named as a party of record in the trial court."³ Moreover, this court has held that an appellant was not a party to the action below where the appellant failed to intervene⁴ or attempted to intervene after the judgment.⁵ The documents before this court indicate that appellant did not intervene and was never formally made a party to the proceedings below. Thus, appellant has no standing to appeal.

Second, the right to appeal is statutory; if no statute or court rule provides for an appeal, no right to appeal exists.⁶ No statute or rule provides for an appeal from an order denying a motion for reconsideration.⁷ Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.

Young J.
Young

Leavitt J.
Leavitt

Becker J.
Becker

²See NRAP 3A(a).

³Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 448, 874 P.2d 729, 735 (1994).

cc: Hon. Michael L. Douglas, District Judge
Crosby & Turner
Mainor & Harris
Christensen Law Offices
David A. Sass
Clark County Clerk