

IN THE SUPREME COURT OF THE STATE OF NEVADA

TAMMY RUENES, INDIVIDUALLY  
AND AS SPECIAL CO-  
ADMINISTRATOR OF THE ESTATE  
OF GREGOR LEHMILLER,  
DECEASED; AND JANICE  
GONZALEZ, AS CO-SPECIAL  
ADMINISTRATOR OF THE ESTATE  
OF GREGOR LEHMILLER,  
DECEASED,  
Appellants,  
vs.  
NEVADA WELLNESS CENTER, LLC,  
A DOMESTIC LIMITED LIABILITY  
COMPANY,  
Respondent.

No. 86546

FILED

SEP 29 2023

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

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order denying a motion for reconsideration and granting a motion for attorney fees and costs. Eighth Judicial District Court, Clark County; Adriana Escobar, Judge.

When initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect, this court ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, it did not appear that the challenged order is substantively appealable. *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”). Although appellants asserted in their docketing statement that the appeal was authorized by NRS 703.376, that statute governs appeals from district court orders regarding orders of the Public Utilities Commission of Nevada (PUC); the order challenged here does not appear related to an order of the PUC.

In response, appellants explain that they cited to NRS 703.376 because it was included as a fillable option box under the substantive appealability section of the docketing statement template. Appellants also maintain that the order is appealable under NRS 703.376 and “Section 4 of Article 6 Section 1” of the Nevada Constitution because the appeal was brought in a Nevada district court.

We agree with respondent that because the challenged order does not relate to an order of the PUC, NRS 703.376 does not authorize this appeal. Further, article 6, § 4 of the Nevada Constitution does not provide this court with jurisdiction to consider an appeal of *any* order entered in the district court. Instead, an appeal must be authorized by a specific statute or court rule. *Brown*, 129 Nev. at 345, 301 P.3d at 851. Appellants do not identify any statute or court rule that authorizes this appeal.<sup>1</sup> *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,

---


<sup>1</sup>It does not appear, and appellants do not assert, that a final judgment has been entered in the underlying district court proceedings. Thus, the order does not appear appealable under NRAP 3A(b)(8) as a special order after final judgment.

that this court does in fact have jurisdiction.”). Accordingly, it appears this court lacks jurisdiction and we

ORDER this appeal DISMISSED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Bell

cc: Hon. Adriana Escobar, District Judge  
Persi J. Mishel, Settlement Judge  
Christian Morris Trial Attorneys  
The Webster Law Firm/Houston  
Parker, Nelson & Associates  
Eighth District Court Clerk

---

<sup>2</sup>Appellants’ request that this Court conduct a hearing on the order to show cause is denied.