

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF: THE KENT AND
JANE WHIPPLE TRUST

No. 89019

WARNER WHIPPLE, ACTING IN HIS
CAPACITY AS CO-TRUSTEE OF THE
KENT AND JANE WHIPPLE TRUST,
DATED MARCH 17, 1968; AND BETSY
L. WHIPPLE,
Appellants,
vs.
JANE E. WHIPPLE, CO-TRUSTEE
(ERRONEOUSLY NAMED AS
TRUSTEE) AND AMENDMENTS
THERE TO, JANE WHIPPLE,
Respondent.

FILED

SEP 17 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion to vacate an arbitration award and directing a rehearing. Seventh Judicial District Court, Lincoln County; Steve L. Dobrescu, Judge.

Respondent has filed a motion to dismiss this appeal for lack of jurisdiction, asserting the order is not substantively appealable. Appellants counter that the order is appealable pursuant to NRS 38.247(1)(d) because it modifies and corrects the arbitration award. Respondent has replied.

The challenged order does not purport to modify or correct the arbitration award. Moreover, even if the order could be construed as implicitly modifying or correcting the award, this court still lacks jurisdiction.

An order confirming or declining to confirm an arbitration award is appealable. NRS 38.247(1)(c). An order vacating an arbitration

award without directing rehearing is also appealable. NRS 38.247(1)(e). However, an order that both denies a motion to confirm an arbitration award and vacates the award while directing a rehearing is not appealable. *Karcher Firestopping v. Meadow Valley Contractors, Inc.*, 125 Nev. 111, 117, 204 P.3d 1262, 1266 (2009). This is because allowing appellate review from such an order would render NRS 38.247(1)(e)'s "without directing a rehearing" language superfluous. *Id.* at 117, 204 P.3d at 1265. Further, the statutory scheme is designed to allow appeals from arbitration-related orders that "bring an element of finality to the arbitration process." *Id.* at 117, 204 P.3d at 1266. An order that remands for supplemental proceedings does not conclude the arbitration process and is not identified under NRS 38.247 as sufficiently final to be appropriate for appellate review. *Id.* This same reasoning applies equally to an order that vacates an arbitration award, directs rehearing, and modifies or corrects an award. Accordingly, we grant the motion and


ORDER this appeal DISMISSED.



_____, J.
Herndon



_____, J.
Lee



_____, J.
Bell

cc: Hon. Steve L. Dobrescu, District Judge
Holley Driggs/Las Vegas
Holley Driggs/Reno
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas
Justice Law Center
Liberators Criminal Defense
Lincoln County Clerk