

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALUNA FESSLER A/K/A ALUNA
PERRY,
Appellant,
vs.
JASON FESSLER,
Respondent.

No. 88996

FILED

NOV 22 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a decree of divorce. Eighth Judicial District Court, Clark County; Mari D. Parlade, Judge.

When initial review of the docketing statement and documents before this court revealed potential jurisdictional defects, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, it appeared the decree is not appealable as a final judgment under NRAP 3A(b)(1) because it does not resolve the issues of child custody and child support. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). It also appeared that appellant may be barred from bringing the appeal because the decree states the parties stipulated and agreed to waive their right to appeal.

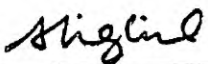
In response, appellant suggests that she did not agree to waive the right to appeal as stated in the decree.¹ However, appellant appears to

¹Appellant has not provided this court with the required proof of service of the response on respondent, who is not an e-filer. *See* NRAP 25(d). And respondent has filed a document asserting he was not served with the response. Appellant's counsel is admonished for failing to abide by this court's rules. Nevertheless, in this instance only, where appellant has filed a reply to the response, this court has considered the response. NRAP 2.

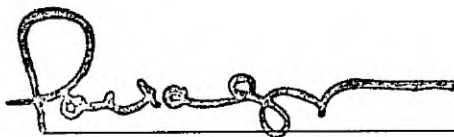
concede that no final judgment has been entered in this matter and represents that the decree has not been certified as final under NRCP 54(b). Accordingly, the decree does not appear appealable pursuant to NRAP 3A(b)(1).

No statute or court rule authorizes an appeal from the challenged decree partially resolving a complaint for divorce. *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”). We therefore lack jurisdiction and

ORDER this appeal DISMISSED.²


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Parraguirre

cc: Hon. Mari D. Parlade, District Judge
Lansford W. Levitt, Settlement Judge
Backus | Burden
Jason Fessler
Eighth District Court Clerk

²Given this dismissal, we need not decide whether appellant waived the right to appeal.