

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAY BLOOM AND SEAN BLOOM,
Appellants,
vs.
JODY RODGERS AND THE JODY
RODGERS REVOCABLE TRUST,
Respondents.

No. 90123

FILED

SEP 29 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a post-judgment order denying a motion to seal an arbitration award. Eighth Judicial District Court, Clark County; Nadia Krall, Judge.

Upon initial review of this appeal, this court issued an order to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it did not appear that the challenged order was appealable as a final judgment under NRAP 3A(b)(1), nor as a special order after final judgment under NRAP 3A(b)(8). Respondents argue that the order is not appealable pursuant to NRAP 3A(b)(8) because it does not affect the rights of appellants as incorporated in the final judgment. We agree.

“[A] special order made after final judgment must be an order affecting the rights of some party to the action, growing out of the judgment previously entered. It must be an order affecting rights incorporated in the judgment.” *Gumm v. Mainor*, 118 Nev. 912, 914, 59 P.3d 1220, 1221 (2002). “[T]he mere fact that the order in point of time is made after a final judgment has been entered does not render it appealable.” *Id.* at 915, 59 P.3d at 1222 (citing *Wilkinson v. Wilkinson*, 73 Nev. 143, 145, 311 P.2d 735, 736 (1957)). Appellants’ response to the order to show cause fails to articulate what rights are affected, nor do appellants demonstrate how any

rights implicated by the denial of the motion to seal arise from the order denying the motion to vacate the arbitration award.

Appellants assert that the unpublished order in *FTL Displays, LLC v. Blackout Inc.*, No. 82461-COA, 2022 WL 1772544 (Nev. Ct. App. May 27, 2022) (Order of Affirmance) “implicitly” demonstrates that that this court has jurisdiction over “direct appeals from a post-judgment order[] denying a motion to seal in a civil case.” While that may at times be the case, there is no rule exempting such orders from the requirements of NRAP 3A(b)(1) or (b)(8). In *FTL Displays*, this court issued an order to show cause regarding the appealability of an order denying a motion to seal. Specifically, the order to show cause noted “[t]he final judgment in the underlying matter appears to be appellant’s voluntary dismissal of respondent” and that “the [order denying the motion to seal] does not appear to affect the rights of a party growing out of that judgment.” Only appellant responded to the order to show cause, arguing that the voluntary dismissal of the underlying action constituted a compelling circumstance that, according to appellant, weighed in favor of sealing the case. Appellant’s argument, therefore, traced the rights at issue in the voluntary dismissal to the rights at issue in the denial of the motion to seal. Here, appellants offer no such argument. Appellants also note that, in *Hopkins v. Selznick*, No. 49387, 2009 WL 3190347 (Nev. Sept. 28, 2009) (Order of Affirmance), “this Court . . . fully addressed the merits of the appeal which included an “[a]ppeal and cross-appeal from a post-judgment district court order” granting a motion to seal the underlying action[.]” Appellants note that “[b]oth [*FTL* and *Hopkins*] were cited recently by this Court” in *UnitedHealthCare Ins. Co. v. Fremont Emergency Services (Mandavia), Ltd.*, 141 Nev. Adv. Op. 29, 570 P.3d 107 (2025).

Hopkins involved a patient that filed a dental malpractice action. The patient later filed a separate defamation action against the dentist and a journalist. The parties executed a settlement agreement regarding the malpractice action, which included the execution of a confidentiality agreement, and the malpractice action was dismissed with prejudice. Shortly thereafter, the dentist filed a motion for summary judgment in the defamation action and, in support of the motion, attached several documents from the malpractice action. The patient then filed a post-judgment motion in the malpractice case alleging the dentist violated the terms of the confidentiality agreement as well as NRS 630.3065 and 45 CFR § 164.508 (HIPPA privacy law) and requested an evidentiary hearing and damages. The parties filed several more motions and, at a hearing on the various motions, counsel for the dentist orally moved to seal the malpractice action. The district court entered an order granting the motion to seal and denying the other motions, including motions for attorney fees and costs. On appeal, the patient challenged the order, including the portion related to the motion to seal and denial of the request for an evidentiary hearing. The dentist argued the order granting the motion to seal was not an appealable order because it did not affect the rights arising from the stipulated dismissal. This court determined the dentist's argument lacked merit. Indeed, as the final judgment in the malpractice action expressly contemplated the terms of the settlement—which included the confidentiality agreement—the rights at issue in the order granting the motion to seal arose directly from the final judgment as well as privacy interests inherent in HIPPA privacy law. No such circumstances exist in the instant case.

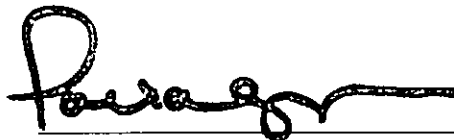
The fact that both *Hopkins* and *FTL* were cited in this court's recent opinion in *UnitedHealthCare Ins. Co.* does not support appellants' assertion that the order denying appellants' motion to seal qualifies as an appealable order pursuant to NRAP 3A(b)(8). *Hopkins* was cited for the proposition that there is "[n]o per se rule requiring an evidentiary hearing before a sealing decision[.]" 570 P.3d at 128. *FTL* was cited for the proposition that a district court "generally has discretion on its initial decision to seal." *Id.* at 127. However, unlike the instant case, all three cases involved post-judgment orders on motions to seal in which the orders clearly affected the rights of the parties that arose from the respective final judgments.

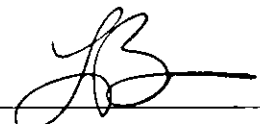
Appellants also cite to *In re Duong*, 118 Nev. 920, 921, 59 P.3d 1210, 1211 (2002), *Matter of Aragon v. State*, 136 Nev. 647, 476 P.3d 465 (2020), and *Matter of Finley v. City of Henderson*, 135 Nev. 474, 457 P.3d 263 (Nev. Ct. App. 2019) to support their assertion that the order in this case is appealable. While appellants fail to develop any argument as to whether they believe these cases support the appealability of the instant order under NRAP 3A(b)(1) or (b)(8), such failure is irrelevant as none of the cases are applicable to the instant case. Each of the cases cited involved an appellant that was convicted of a criminal offense and who, upon the expiration of certain time-periods set forth in NRS 179.245, petitioned a district court to seal their records. As the underlying proceeding in each case was limited to the issue of whether to seal a record, the orders appealed from were necessarily appealable pursuant to NRAP 3A(b)(1). Further, even if the orders arose in the same proceeding as the judgment of conviction, such an order would necessarily affect the statutory rights provided in NRS 179.245 and arise from the judgment of conviction. That

is not the case here as the underlying final judgment is the order denying appellants' motion to vacate the arbitration award. No other cases cited by appellants support appellants' position.

Likewise, appellants have failed to demonstrate that the challenged order is a final, appealable, judgment pursuant to NRAP 3A(b)(1). There can be only one final judgment in an action or proceeding. *Alper v. Posin*, 77 Nev. 328, 331, 363 P.2d 502, 503 (1961), *overruled on other grounds by Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000). The district court order denying appellants' motion to vacate the arbitration award, currently on appeal in docket no. 88520-COA, constitutes the final judgment in the underlying matter. No other statute or court rule allows for an appeal of the district court's June 17, 2025, order. *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").

Accordingly, this court lacks jurisdiction and
ORDERS this appeal DISMISSED.


Parraguirre, J.


Bell, J.


Stiglich, J.

cc: Hon. Nadia Krall, District Judge
Jay Young, Settlement Judge
Hutchison & Steffen, LLC/Las Vegas
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk