

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND VELA, INDIVIDUALLY  
AND ON BEHALF OF THE ESTATE OF  
ELAINE MARIE VELA,  
Appellant,

vs.

THE STATE OF NEVADA,  
DEPARTMENT OF MOTOR VEHICLES  
AND PUBLIC SAFETY, HIGHWAY  
PATROL DIVISION,  
Respondent.

No. 39238

FILED

SEP 12 2002

JANE F. W. LEE  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

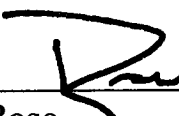
This is a proper person appeal from an order dismissing appellant's complaint as to two of three named defendants. Having reviewed the record, we conclude that we do not have jurisdiction over this appeal and therefore must dismiss it.

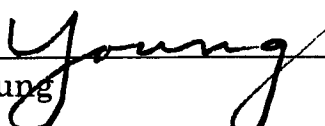
In October 1998, a Nevada Highway Patrol trooper chased motorist Donald Grover and, during the pursuit, Grover drove his vehicle into a motor vehicle driven by Elaine Marie Vela, killing her. Elaine's husband, appellant Raymond Vela, filed a wrongful death action against Grover, the Department of Motor Vehicles Highway Patrol Division and Trooper John Doe. The Highway Patrol was served with process, and filed an answer. Grover was served with process, but did not file any answer. The case proceeded through court-annexed arbitration, and the district court entered a "final order" in January 2002. The district court's order states that (1) the matter was submitted to arbitration as required by local district court rule; (2) the arbitrator issued his award in favor of the Highway Patrol and Trooper John Doe on all issues; and (3) no request for trial de novo was filed within NAR 18's 30-day period. The court entered

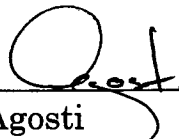
judgment in favor of the Highway Patrol and the trooper, and dismissed the complaint as to them. Vela timely filed a notice of appeal, but the notice did not vest jurisdiction in this court.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.<sup>1</sup> No statute or court rule authorizes this appeal. Indeed, because Vela did not timely request a trial de novo after the arbitrator issued his award, NAR 19(B) expressly prohibits an appeal from the judgment entered on the award. In addition, the district court's order was not a final order or judgment, appealable under NRAP 3A(b)(1). The order does not adjudicate all the rights and liabilities of all the parties, because the claims against Grover remain, and the court did not certify its order as final under NRCP 54(b).<sup>2</sup> Accordingly, because we lack jurisdiction, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

---

<sup>1</sup>See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

<sup>2</sup>See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).

cc: Hon. William A. Maddox, District Judge  
Raymond Vela  
Attorney General/Carson City  
Attorney General/DMV/Carson City  
Carson City Clerk