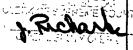
IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES A. SEVERDIA, Appellant, vs. MARYVONNE BURKE, Respondent. No. 39782

FEB 0 3 2003



ORDER DISMISSING IN PART AND AFFIRMING IN PART

This is a proper person appeal from a judgment and numerous post-judgment orders in a real property case. Although we have jurisdiction to review the judgment, order denying a new trial, order denying motion to set aside the judgment, and order awarding respondent attorney fees and costs, we lack jurisdiction to review the orders denying appellant's motion to alter or amend the judgment, to cancel a property conveyance, and to sanction respondent's attorney. Accordingly, we dismiss this appeal insofar as it is jurisdictionally defective.

As to the remainder of this appeal, we have reviewed the record, and we conclude that the district court did not err in entering

²See NRAP 3A(b) (listing appealable determinations); Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000) (stating that no appeal may be taken unless permitted by statute or court rule); Uniroyal Goodrich Tire v. Mercer, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995) (observing that no appeal may be taken from an order denying a motion to alter or amend a judgment).

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¹See NRAP 3A(b)(1) (permitting an appeal from a final judgment); NRAP 3A(b)(2) (authorizing an appeal from an order granting or refusing a new trial); Holiday Inn v. Barnett, 103 Nev. 60, 63, 732 P.2d 1376, 1379 (1987) (observing that an appeal may be taken from an order denying a motion to set aside a judgment); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (stating that a post-judgment order awarding attorney fees and costs is appealable as a special order after final judgment under NRAP 3A(b)(2)).

judgment against appellant,³ in denying appellant's motions for a new trial⁴ and to set aside the judgment,⁵ and in awarding respondent attorney fees and costs.⁶ Accordingly, we affirm the district court's judgment and orders.

It is so ORDERED.7

Gibbons

Rose
J. Maupin
J. J.

³NRCP 52(a) (providing that "[f]indings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge . . . the credibility of the witnesses"); <u>Hannam v. Brown</u>, 114 Nev. 350, 361, 956 P.2d 794, 801 (1998) (stating that conclusions of law are reviewed de novo).

⁴<u>Dow Chemical Co. v. Mahlum</u>, 114 Nev. 1468, 1505, 970 P.2d 98, 122 (1998) (stating that this court reviews an order denying a new trial for an abuse of discretion).

⁵Stoecklein v. Johnson Electric, Inc., 109 Nev. 268, 271, 849 P.2d 305, 307 (1993) (observing that a district court has wide discretion in deciding whether to grant or deny a motion to set aside a judgment).

⁶Beattie v. Thomas, 99 Nev. 579, 588-89, 668 P.2d 268, 274 (1983) (establishing four factors that a district court must consider when awarding fees and costs in response to a rejected offer of judgment); Yamaha Motor Co. v. Arnoult, 114 Nev. 233, 251, 955 P.2d 661, 672 (1998) (stating that, unless the district court's evaluation of the Beattie factors is arbitrary or capricious, this court will not disturb the award of fees and costs).

⁷Although appellant has not been granted permission to file documents in this matter in proper person, <u>see NRAP 46(b)</u>, we have received and considered appellant's proper person documents. We deny the relief requested therein as moot in light of this order.

cc: Hon. Jerome Polaha, District Judge Mark L. Sturdivant James A. Severdia Washoe District Court Clerk