

IN THE SUPREME COURT OF THE STATE OF NEVADA

AQUARIAN FOUNDATION, A NON-  
PROFIT RELIGIOUS CORPORATION,  
Appellant,  
vs.  
STEVE YOUNG, AN INDIVIDUAL,  
Respondent.

No. 40327

FILED

APR 07 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

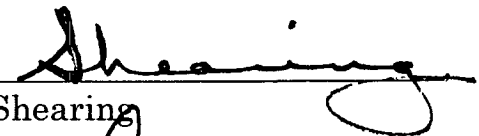
This is an appeal from a district court order affirming a justice's court decision.<sup>1</sup> Respondent has moved to dismiss this appeal, on the basis that this court lacks jurisdiction. We have reviewed respondent's motion and the other documents currently before us, and we agree that we lack jurisdiction over this appeal. The district court has final appellate jurisdiction over cases that arise in the justice's court, and this court lacks jurisdiction to consider an appeal from a district court's order granting or

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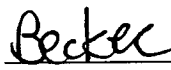
<sup>1</sup>We note that in its docketing statement, appellant states that it is also appealing from a district court order that awarded respondent attorney fees and costs under NRS 69.050. But the notice of appeal, which was signed and served before this order was entered, does not designate this order as being appealed. Even if the notice of appeal had designated this order, it is not appealable. Although the district court awarded fees and costs, the district court did so in its appellate capacity under NRS 69.050, which authorizes the district court to award costs and attorney fees when an appeal is taken to that court. As explained above, no appeal lies from a district court order entered when the court is functioning as an appellate court.

denying a justice's court appeal.<sup>2</sup> Accordingly, we grant respondent's motion, and we

ORDER this appeal DISMISSED.<sup>3</sup>

  
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Shearing J.

  
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Leavitt J.

  
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Becker J.

cc: Hon. Kathy A. Hardcastle, District Judge  
Law Office of Benson Lee, Esq.  
Smith Larsen & Wixom  
Clark County Clerk

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<sup>2</sup>Nev. Const. art. 6, § 6; Waugh v. Cassaza, 85 Nev. 520, 458 P.2d 359 (1969).

<sup>3</sup>We vacate our February 12, 2003 order to the extent that it reinstated briefing in this appeal. We deny respondent's request for sanctions.