

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA MARIE NIVINSKI, AS  
EXECUTRIX FOR THE ESTATE OF  
LEE GLENN ALLRED, DECEASED,  
Appellant,

vs.

WELLS FARGO HOME MORTGAGE,  
INC., A CALIFORNIA CORPORATION;  
RCI MANAGEMENT CORPORATION, A  
NEVADA CORPORATION; MTC  
FINANCIAL INC., D/B/A TRUSTEE  
CORPS; AND FRANK KUJAC,  
Respondents.

No. 41184

**FILED**

JUL 08 2005

MANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

FRANK KUJAC,  
Appellant,

vs.

MTC FINANCIAL INC.,  
Respondent.

No. 41232

ORDER DISMISSING APPEAL (NO. 41232)

Docket No. 41232 is an appeal from a district court order granting summary judgment on a cross-claim for equitable indemnity. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. When our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we directed appellant Frank Kujac to show cause why the appeal in Docket No. 41232 should not be dismissed. Specifically, it appeared that Kujac was not an aggrieved party with standing to appeal.

Under NRAP 3A(a), only “aggrieved parties” may appeal.<sup>1</sup> “A party is ‘aggrieved’ within the meaning of NRAP 3A(a) ‘when either a personal right or right of property is adversely and substantially affected’ by a district court’s ruling.”<sup>2</sup> A substantial grievance includes “[t]he imposition of some injustice, or illegal obligation or burden, by a court, upon a party, or the denial to him of some equitable or legal right.”<sup>3</sup> The appellant’s status, therefore, must be “more than [that of] a dissatisfied party,” because “[a]ppeals are not allowed for the purpose of settling abstract questions, however interesting or important to the public generally, but only to correct errors injuriously affecting the appellant. . . . Persons aggrieved, in this sense, are not those who may happen to entertain desires on the subject.”<sup>4</sup> Moreover, a party is aggrieved by an order if he “will be directly benefited by its reversal.”<sup>5</sup>

Having considered the parties’ responses to our show cause order, we conclude that Kujac is not aggrieved by the order granting summary judgment to respondent MTC Financial on Kujac’s indemnity

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<sup>1</sup>Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994); Kenney v. Hickey, 60 Nev. 187, 105 P.2d 192 (1940).

<sup>2</sup>Valley Bank of Nevada, 110 Nev. at 446, 874 P.2d at 734 (quoting Estate of Hughes v. First Nat’l Bank, 96 Nev. 178, 180, 605 P.2d 1149, 1150 (1980)).

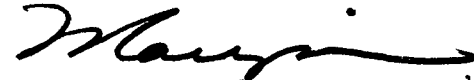
<sup>3</sup>Esmeralda County v. Wildes, 36 Nev. 526, 535, 137 P. 400, 402 (1913).

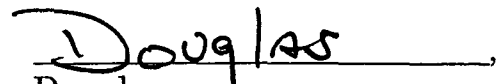
<sup>4</sup>Kenney, 60 Nev. at 190, 105 P.2d at 193 (quoting 2 Am. Jur. § 152 at 943).

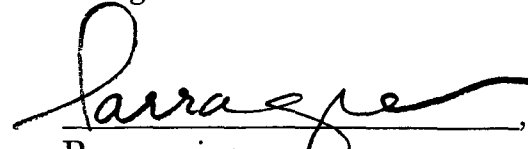
<sup>5</sup>Leonard v. Belanger et al., 67 Nev. 577, 593, 222 P.2d 193, 200 (1950) (quoting Gibbons v. Cannaven, 66 N.E.2d 370, 377 (Ill. 1946)).

cross-claim. Since Kujac's indemnity cross-claim against MTC is contingent on the reinstatement of plaintiff Lisa Marie Nivinski's claims against Kujac,<sup>6</sup> Kujac would not directly benefit from reversal of the indemnity judgment at this time.<sup>7</sup> Accordingly, as we lack jurisdiction, we dismiss this appeal.

It is so ORDERED.

  
Maupin J.

  
Douglas J.

  
Parraguirre J.

cc: Hon. Janet J. Berry, District Judge  
Carolyn Worrell, Settlement Judge  
Molof & Vohl  
Robison Belaustegui Sharp & Low  
Goedert & Michaels  
Beesley, Peck & Matteoni, Ltd.  
Washoe District Court Clerk

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<sup>6</sup>Nivinski's appeal is currently pending in Docket No. 41184.

<sup>7</sup>We note that because the district court's summary judgment is based on mootness grounds, in the event that this court reverses the judgment in Docket No. 41184, Kujac is not precluded from re-asserting a claim for equitable indemnity.