

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENISE HOLLAND,
Appellant,
vs.
FRANK J. DELEE, M.D.,
Respondent.

No. 41311

FILED

APR 06 2004

ORDER DISMISSING APPEAL

JANETTE A. BLOO
CLERK OF SUPREME COURT
BY *Rubens*
CHIEF DEPUTY CLERK

This is an appeal from a district court order that denied appellant's motion for either reconsideration of the summary judgment granted to respondent or leave to amend appellant's medical malpractice complaint. In October 2003, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. We pointed out that an order denying reconsideration is not appealable and that the time in which to appeal from the summary judgment had apparently expired.¹ Further, no statute or court rule authorizes an appeal from an order denying leave to amend a complaint.²


When appellant failed to respond to our show cause order, respondent moved to dismiss. Appellant opposed the motion, stating that she had not received our show cause order and that the denial of leave to amend is appealable because it terminated her case against respondent. But appellant asserts in her docketing statement that the summary judgment "disposed" of "all issues." As we noted long ago, "[t]here may not


¹See Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).

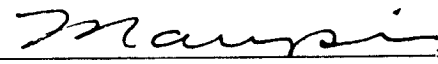
²See NRAP 3A(b); Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

be more than one final judgment in an action or proceeding.”³ Because the district court’s summary judgment appears to be the final appealable judgment in this matter,⁴ and because the denial of leave to amend had no effect on that judgment,⁵ we conclude that this court lacks jurisdiction over this matter.

Accordingly, we grant respondent’s motion, and we
ORDER this appeal DISMISSED.

 C.J.
Shearing

 J.
Rose

 J.
Maupin

³Alper v. Posin, 77 Nev. 328, 331, 363 P.2d 502, 503 (1961), abrogated on other grounds by Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

⁴See Lee, 116 Nev. at 426, 996 P.2d at 417 (“[A] final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney’s fees and costs.”); cf. Greene v. Dist. Ct., 115 Nev. 391, 395, 990 P.2d 184, 186 (1999) (recognizing that an order granting a post-judgment motion for leave to amend a complaint is “concept[u]ally inconsistent with the normal meaning of the term ‘final judgment’”).

⁵See Gumm v. Mainor, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002) (stating that a special order after final judgment, appealable under NRAP 3A(b)(2), affects rights incorporated in the judgment); cf. Berg v. Allied Security, Inc., 737 N.E.2d 160, 161 (Ill. 2000) (stating that “[a] post-judgment motion for leave to amend the complaint is not a motion directed against the judgment”).

cc: Hon. Kathy A. Hardcastle, District Judge
Thomas J. Tanksley, Settlement Judge
Sinkeldam, Shetler & Lavigne
John H. Cotton & Associates, Ltd.
Clark County Clerk