

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NICKEL MINE AVENUE TRUST, A
NEVADA IRREVOCABLE TRUST;
TRAVERTINE LANE TRUST, A
NEVADA IRREVOCABLE TRUST;
MAHOGANY MEADOWS AVENUE
TRUST, A NEVADA IRREVOCABLE
TRUST; AND SATICOY BAY, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Appellants,

vs.


COPPER CREEK HOMEOWNERS
ASSOCIATION, A NEVADA NON-
PROFIT CORPORATION,

Respondent.

No. 82205-COA

FILED

DEC 03 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from orders titled judgments and awards of attorney fees and costs. Review of the docketing statement, the documents submitted to this court pursuant to NRAP 3(g), and the parties' briefs have given rise to questions regarding this court's jurisdiction.

First, the orders appealed from, entered on November 6, 2020, with notice of entry filed November 9, 2020, purport to be a judgment and award of attorney fees and costs. However, it appears that the orders are duplicative of previous substantive orders and do not modify settled legal rights and obligations, and they are therefore not appealable. *See Campos-Garcia v. Johnson*, 130 Nev. 610, 612, 331 P.3d 890, 891 (2014) (holding that the final judgment is the first order that adjudicates all rights and

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liabilities; duplicative or superfluous judgments that do not modify settled legal rights and obligations are not appealable).

To the extent appellants challenge the underlying judgment, it is unclear whether the order granting in part and denying in part summary judgment, entered on April 3, 2020, with notice of entry filed on April 6, 2020, is a final appealable order. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (providing that a final judgment is one that resolves all of the parties' claims and rights in the action, leaving nothing for the court's future consideration except for post-judgment issues such as attorney fees and costs). If the order finally resolved all claims between all parties, then the notice of appeal, filed December 7, 2020, appears to be untimely as it was filed more than 30 days after service of written notice of entry of the order. *See* NRAP 4(a)(1); NRAP 26(c). If, on the other hand, the April 3, 2020, order did not finally resolve all claims between all parties, then the notice of appeal would appear to be premature. NRAP 4(a).

Finally, with respect to appellants' challenge to the postjudgment award of attorney fees and costs, it appears that the district court entered orders resolving the claims for attorney fees and costs on September 25, 2020, with notice of entry filed on October 1, 2020. Those orders set forth the final calculations of damages with fees and costs allocated to each appellant (defendants below). Therefore, the December 7, 2020, notice of appeal again appears to be untimely pursuant to NRAP 4(a)(1). In order to challenge the attorney fees and costs, the time to file a notice of appeal would have run from the written notice of entry on October 1, 2020. Again, the orders entered November 6, 2020, appear to be duplicative or superfluous and do not modify settled legal rights and obligations of the parties. *Campos-Garcia*, at 612, 331 P.3d at 891.

Accordingly, appellants shall have 21 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. Failure to demonstrate that this court has jurisdiction may result in this court's dismissal of this appeal. The proceedings in this appeal shall be suspended pending further order of this court. Respondent may file any reply within 14 days from the date that appellants' response is served.

It is so ORDERED.

 _____, C.J.

cc: TRILAW
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