

IN THE SUPREME COURT OF THE STATE OF NEVADA

MITCHELL DAVID STIPP,
Appellant,
vs.
CHRISTINA CALDERON STIPP,
Respondent.

No. 57876

FILED

APR 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from the district court post-divorce decree order. Our preliminary review of the docketing statement and the NRAP 3(g) documents submitted to this court reveals potential jurisdictional defects. In particular, appellant makes various assertions in his docketing statement regarding the issues that he intends to raise on appeal, but whether those issues can be challenged on appeal in the context of the district court's January 25, 2011, order, is unclear. Appellant contends that this appeal concerns child custody, the appointment of a parenting coordinator, the modification of prior district court orders in separate proceedings, the entry of an order that he did not agree to, and that the order misrepresents previous district court orders concerning his tax records.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984). Under NRAP 3A(b)(7), an order that "finally establishes or alters the custody of minor children" is an appealable order. And a post-judgment order affecting the rights of the parties growing out of the final judgment may be appealable as a special order made after final judgment. NRAP 3A(b)(8); Gumm v. Mainor, 118

Nev. 912, 59 P.3d 1220 (2002). But only an aggrieved party with standing may appeal. See NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 446-48, 874 P.2d 729, 734-35 (1994) (explaining that a party is aggrieved when the district court's order adversely and substantially affects a personal right or right of property).

Here, jurisdiction is unclear for a number of reasons. First, as to child custody, the challenged order does not appear to finally establish or alter child custody.

Second, to the extent that appellant seeks to challenge the district court's reaffirmation of its decision to appoint a parenting coordinator, it does not appear that such an order is appealable because no statute or court rule authorizes an appeal from such an order.

Third, appellant asserts that the district court improperly modified "orders previously entered by another district court (which retained exclusive jurisdiction over the matters decided)," but appellant fails to state concisely which orders were modified and failed to attach a copy of those orders to his docketing statement, and thus, we are unable to determine if we have jurisdiction.

Fourth, appellant alleges that the district court's January 25 order was prepared by respondent and submitted to the court without his approval and it fails to correctly reflect the court's decision as set forth in the minutes or hearing transcript. To the extent that appellant contends that the district court minutes reveal that the district court denied respondent's request for an order to show cause and motion to compel, not only is the challenged order silent on those two issues, but it is unclear how appellant is aggrieved by these rulings. Ginsburg, 110 Nev. at 446, 874 P.2d at 734; see State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev.

445, 451, 92 P.3d 1239, 1243 (2004) (recognizing that oral rulings and a court's "minute order" are generally ineffective for any purpose); cf. Bd. of Gallery of History v. Datecs Corp., 116 Nev. 286, 289, 994 P.2d 1149, 1150 (2000) (noting that the district court's failure to rule on a request constitutes a denial of the request).

Finally, appellant seeks to challenge the district court's January 25 order on the basis that the "order misrepresents the previous orders of the court regarding the discovery of appellant's tax records." Appellant fails, however, to provide this court with a copy of the previous orders regarding this discovery issue so that we may determine whether appellant is aggrieved and whether this court has jurisdiction.

Accordingly, in light of these potential defects, appellant shall have 30 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. In responding to this order, appellant should submit points and authorities in support of this court's jurisdiction to consider this appeal, as well as any documentation that establishes this court's jurisdiction. We caution appellant that failure to demonstrate that this court has jurisdiction may result in this court's dismissal of this appeal. The preparation of transcripts and the briefing schedule in this appeal shall be suspended pending further order of this court. Respondent may file any reply within ten days from the date that appellant's response is served.

It is so ORDERED.

, C.J.

cc: Radford J. Smith, Chtd.
Mitchell D. Stipp
Vaccarino Law Office