

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF: ESTATE OF
LEROY G. BLACK, DECEASED,

WILLIAM FINK A/K/A BILL FINK,
Appellant,

vs.

PHILLIP MARKOWITZ AS EXECUTOR
OF THE ESTATE OF LEROY G.
BLACK,
Respondent.

PHILLIP MARKOWITZ AS EXECUTOR
OF THE ESTATE OF LEROY G.
BLACK,

Appellant,

vs.

WILLIAM FINK,
Respondent.

No. 63960

FILED

AUG 06 2014

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

No. 65983 ✓

*ORDER TO SHOW CAUSE, DEFERRING RULING ON MOTION TO
CONSOLIDATE, AND SUSPENDING BRIEFING*

These appeals arise out of the same probate proceeding. The appeal in Docket No. 63960 is an appeal from a district court order dismissing a will contest. The appeal in Docket No. 65983 is an appeal from a district court order denying a petition to declare a trust revoked in a probate action. The parties have filed a joint motion to consolidate these appeals and for an extension of time to file and serve the opening brief and appendix in Docket No. 63960. Before this court may resolve the motion, we must consider whether we have jurisdiction.

Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) in Docket No. 65983 reveals a potential jurisdictional defect. Specifically, it is unclear

whether the appeal from the May 29, 2014, order from which appellant appeals, is authorized by statute or court rule. *See Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (providing that this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule). NRAP 3A(b) lists orders and judgments from which an appeal may be taken, and NRS 155.190 lists appealable orders in probate proceedings. Because the May 29, 2014, order only denies appellant's request to declare the trust revoked, it is not a final judgment resolving all pending issues in the probate action, *see* NRAP 3A(b)(1); *Lee v. GNLV Corp.*, 116 Nev. 424, 426-27, 996 P.2d 416, 417 (2000), and it does not appear to fall under 1 of the 16 probate orders from which an appeal may be taken pursuant to NRS 155.190(1) or any of the other statutes concerning wills, estates, and trusts.

Accordingly, Phillip Markowitz as appellant in Docket No. 65983 shall have 30 days from the date of this order within which to show cause why that appeal should not be dismissed for lack of jurisdiction. In responding to this order, appellant Markowitz should submit documentation that establishes this court's jurisdiction including, but not necessarily limited to, points and authorities. We caution appellant Markowitz that failure to demonstrate that this court has jurisdiction may result in this court's dismissal of the appeal in Docket No. 65983. Respondent William Fink may file any reply within 11 days from the date that the response is served.

Because this court's jurisdiction over the appeal in Docket No. 65983 is unclear, we defer ruling on the parties' motion to consolidate these appeals at this time. We suspend the briefing schedule in both of these appeals pending further order of this court. Additionally, the

preparation of transcripts in the appeal docketed as Docket No. 65983 is suspended pending further order of this court.

It is so ORDERED.¹

Libla, C.J.

cc: Callister & Frizell
Clear Counsel Law Group
Goodsell & Olsen
Kerry Esparza, Court Reporter

¹We direct the clerk of this court to conform the caption on this court's docket sheet in Docket No. 65983 to the caption on this order.