

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ILIESCU, JR., INDIVIDUALLY;  
AND JOHN ILIESCU, JR. AND  
SONNIA ILIESCU, AS TRUSTEES OF  
THE JOHN ILIESCU, JR. AND SONNIA  
ILIESCU 1992 FAMILY TRUST  
AGREEMENT,

Appellants,

vs.

MARK B. STEPPAN,

Respondent.

No. 68346

**FILED**

**OCT 23 2015**

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

***ORDER GRANTING MOTION FOR STAY WITHOUT POSTING ANY  
FURTHER SECURITY AND ORDER TO SHOW CAUSE***

This is an appeal from numerous district court orders entered in consolidated actions regarding a mechanic's lien. Appellants have filed a motion for a stay of the execution of judgment or foreclosure pending appeal without posting any further security. Respondent opposes the motion and appellants have filed a reply. Having considered the parties' arguments, we conclude that the existing lien adequately protects respondent from prejudice due to a stay and preserves the status quo. See *Nelson v. Heer*, 121 Nev. 832, 835, 122 P.3d 1252, 1254 (2005). Accordingly, we grant the motion and stay the foreclosure proceedings pending further order of this court. Appellants shall not be required to post a supersedeas bond or any other bond.

Our initial review of the docketing statement and documents submitted to this court reveals potential jurisdictional defects. First, it


appears that the district court's February 26, 2015, order is independently appealable pursuant to NRS 108.2275(8) to the extent it resolves appellants' motion to release the lien. However, the February 26, 2015, order also resolves respondent's complaint to foreclose on the lien. To the extent the order resolves the foreclosure complaint, it is not appealable as a final judgment pursuant to NRAP 3A(b)(1) because third party claims remain pending. And it is unclear whether the order resolves all of the cross-claims because appellants have not included a copy of the September 2, 2009, third party complaint with the docketing statement. The district court purported to certify the February 26, 2015, order as final pursuant to NRCP 54(b), however, the certification appears improper because the district court did not make an express direction for the entry of judgment. See NRCP 54(b); *Knox v. Dick*, 99 Nev. 514, 516, 665 P.2d 267, 268 (1983). Further, in the absence of the September 2, 2009, third party complaint it is not clear whether appellants or respondent have been completely removed from the action. See *Mallin v. Farmers Ins. Exch.*, 106 Nev. 606, 797 P.2d 978 (1990).


Second, appellants identify the district court's May 27, 2015, order denying a motion to alter or amend as an order challenged on appeal. But an order denying a motion to alter or amend is not appealable. *Uniroyal Goodrich Tire v. Mercer*, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995), *superseded on other grounds by statute as stated in RTTC Communications, LLC v. Saratoga Flier, Inc.*, 121 Nev. 34, 110 P.3d 24 (2005).


Accordingly, appellants shall have 30 days from the date of this order to show cause why this appeal should not be dismissed in part

for lack of jurisdiction. We caution appellants that failure to demonstrate that this court has jurisdiction may result in the dismissal of this appeal.

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Elliott A. Sattler, District Judge  
Second Judicial District Court Dept. 6  
J. Douglas Clark, Settlement Judge  
Albright Stoddard Warnick & Albright  
Hoy Chrissinger Kimmel, PC  
Washoe District Court Clerk

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<sup>1</sup>We note that the settlement judge has filed a report indicating that the parties were unable to agree to a settlement of this matter. The requesting of transcripts and the briefing schedule in this matter shall remain stayed pending resolution of the jurisdictional issue.