

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

JAN 13 2016

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

*ORDER DISMISSING APPEAL IN PART AND REINSTATING
BRIEFING*

This is an appeal from district court orders entered in consolidated actions regarding a mechanic's lien. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

We previously entered an order directing appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we questioned whether the district court's February 26, 2015, order was appealable as a judgment certified as final under NRCP 54(b) where it was not clear whether a party had been completely removed from the action or the certification contained an express direction for entry of judgment. See NRAP 3A(b)(1); *Mallin v. Farmers Ins. Exch.*, 106 Nev. 606, 797 P.2d 978 (1990); *Knox v. Dick*, 99 Nev. 514, 516, 665 P.2d 267, 268 (1983). We also noted that although appellants purported to appeal from an order denying a motion to alter or amend, such an order 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 *Uniroyal Goodrich Tire v. Mercer*, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995), *superseded on other grounds by statute as stated*

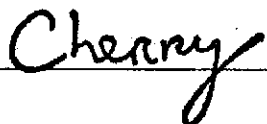
in *RTTC Commc'nc, LLC v. Saratoga Flier, Inc.*, 121 Nev. 34, 110 P.3d 24 (2005).

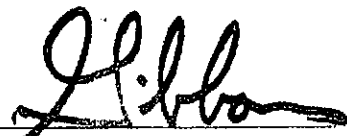
Appellants have filed a response wherein they concede that the order denying the motion to alter or amend is not appealable. Accordingly, we dismiss this appeal as to the May 27, 2015, order denying the motion to alter or amend. Appellants also assert that the February 26, 2015, order was properly certified as final and have attached several district court documents to support that assertion. Having considered appellants' argument and the attached documentation, we conclude that the district court order was properly certified as final. Accordingly, this appeal may proceed as to the February 26, 2015, order.

Briefing of this appeal is reinstated. Appellants shall have 11 days from the date of this order to file and serve a transcript request form. See NRAP 9(a).¹ Appellants shall have 120 days from the date of this order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1). We caution the parties that failure to comply with this order any result in the imposition of sanctions. NRAP 31(d).

It is so ORDERED.


_____, J.
Douglas


_____, J.
Cherry


_____, J.
Gibbons

¹If no transcript is to be requested, appellants shall file and serve a certificate to that effect within the same time period. NRAP 9(a).

cc: Hon. Elliott A. Sattler, District Judge
Albright Stoddard Warnick & Albright
Hoy Chrissinger Kimmel, PC
Washoe District Court Clerk