

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRP INTERNATIONAL, INC., A  
DELAWARE CORPORATION,

Appellant,

vs.

PROIMTU MMI LLC, A NEVADA  
LIMITED LIABILITY COMPANY,  
Respondent.

No. 71398

**FILED**

OCT 12 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER TO SHOW CAUSE, GRANTING MOTION FOR  
CLARIFICATION, AND DENYING MOTION FOR TEMPORARY STAY*

This is an appeal from a district court order granting a motion to amend judgment or for reconsideration, vacating a prior judgment, and denying a motion to dismiss. Our initial review of the documents before this court reveals a potential jurisdictional defect. It is not clear whether the challenged order is substantively appealable.

It appears that the district court entered a final judgment (pursuant to a certification under NRCP 54(b)) on February 16, 2016. The order challenged in this appeal vacates the February 16, 2016, order. Thus, it appears that the challenged order may affect the rights of a party growing out of the final judgment and be appealable as a special order after final judgment. See NRAP 3A(b)(8); *Gumm v. Mainor*, 118 Nev. 912, 59 P.3d 12202 (2002) (defining a special order after final judgment). Alternatively, because the challenged order vacates the final judgment, it may not be appropriately classified as a special order after final judgment. See *Reno-Hilton Resort Corp. v. Verderber*, 121 Nev. 1, 6 n.24, 106 P.3d 134, 137 n.24 (2005) (an order granting a motion for a new trial cannot be a special order after final judgment because it vacates the judgment). And it does not appear that any other statute or court rule authorizes an


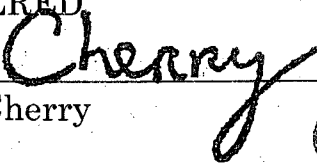
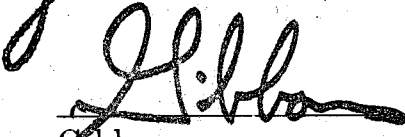
appeal from the challenged order. *See Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984).

Accordingly, appellant shall have 30 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction. Respondent may file any reply within 11 days of service of appellant's response. We caution appellant that failure to demonstrate that this court has jurisdiction may result in the dismissal of this appeal.

Appellant's motion for clarification is granted to the following extent. Even if the challenged order is substantively appealable, the filing of the notice of appeal did not divest the district court of jurisdiction to enter orders on matters unrelated to the legal issues in the challenged order. *See, e.g., Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529-30 (2006). Thus, the district court proceedings may go forward despite the filing of the notice of appeal. If appellant wishes to stay those proceedings, it must seek a stay in the district court in the first instance.<sup>1</sup> NRAP 8(a). The motion for a temporary stay so that appellant may seek a stay in the district court is denied.

The deadlines to file the transcript request form and briefs are suspended pending further order of this court.

It is so ORDERED.

		J.
Douglas	Cherry	
		J.
	Gibbons	

---

<sup>1</sup>We are not convinced that moving for a stay in the district court in the first instance is impracticable. *See* NRAP 8(a).

cc: Chief Judge, The Fifth Judicial District Court  
Hon. Steven Elliott, Senior Judge  
Pintar Albiston LLP  
Fennemore Craig, P.C./Las Vegas  
Nye County Clerk