

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHARATH CHANDRA,
ADMINISTRATOR, NEVADA REAL
ESTATE DIVISION,

Appellant,

vs.

MELANI SCHULTE; AND WILLIAM R.
SCHULTE,

Respondents.

No. 75477

FILED

JUN 21 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from orders of the district court directing payment out of the Real Estate Education, Research and Recovery Fund pursuant to “NRS 645.841 et seq.” and monetary judgments against respondent William R. Schulte. Our initial review of the docketing statement and documents before this court reveals potential jurisdictional defects.

First, although appellant asserts that the orders directing payment from the fund are appealable as final judgments under NRAP 3A(b)(1), it is not clear that these orders, or the monetary judgments, constitute final judgments. “[A] final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney’s fees and costs.” *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). It appears that the final judgment in the divorce case was the decree entered on July 8, 2013, or the amended decree entered nunc pro tunc on April 3, 2017. And there can be only one final judgment in a case. *Alper v. Posin*, 77 Nev. 328, 331, 363 P.2d 502, 503 (1961), *abrogated on*

other grounds by Lee, 116 Nev. at 426, 996 P.2d at 417. However, the petitions for orders directing payment from the fund are arguably new proceedings, and the orders resolving the petitions appealable as the final judgments in those new proceedings. *Cf. Rawson v. Ninth Judicial Dist. Court*, 133 Nev., Adv. Op. 44, 396 P.3d 842 (2017) (concluding “that a joint debtor proceedings is an action independent from the underlying action, giving rise to a final judgment that may be appealed by an aggrieved party under NRAP 3A(a) and (b)(1)”).

Second, it is not clear whether appellant was a party to the underlying case such that it may file an appeal from the challenged orders. *See* NRAP 3A(a) (allowing an appeal by an aggrieved *party*). The district court docket sheet does not indicate that appellant was a party to the proceedings, the challenged orders do not include appellant in the captions, and the verified petitions filed by respondent Melani Schulte do not name appellant as a defendant. However, it appears that appellant was provided with a copy of the petitions, and it filed an opposition and appeared at a hearing on the petitions. *See Albert D. Massi, Ltd. v. Bellmyre*, 111 Nev. 1520, 1521, 908 P.2d 705, 706 (1995) (describing when a person or entity becomes a party within the meaning of NRAP 3A); *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 448, 874 P.2d 729, 735 (1994).

Third, it does not appear that appellant is aggrieved by the monetary judgments against William Schulte. *See Valley Bank*, 110 Nev. at 447, 874 P.2d at 734 (stating that a party is aggrieved when its personal or property rights are substantially and adversely affected by the district court’s order).

Finally, it appears that the notice of appeal was untimely filed from the monetary judgments. Notices of entry of the judgments appear to

have been served on May 25, 2017. However, the notice of appeal was not filed until March 22, 2018, well after the 30-day appeal period established in NRAP 4(a)(1).

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. Respondents may file any replies within 11 days of service of appellant's reply. We caution appellant that failure to demonstrate that this court has jurisdiction may result in the dismissal of this appeal.

Briefing of this appeal is suspended pending further order of this court.

It is so ORDERED.

 C.J.

cc: Attorney General/Carson City
Attorney General/Las Vegas
Law Office of Amberlea Davis
William R. Schulte