

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE  
GUARDIANSHIP OF THE PERSON  
AND ESTATE OF: CARMEN GOMEZ  
WITTLER, AN ADULT.

CARMEN GOMEZ WITTLER,  
Appellant,  
vs.  
ERIC WITTLER,  
Respondent.

No. 76948

**FILED**

JAN 24 2019

ELIZABETH A. BROWN,  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER TO SHOW CAUSE*

This is an appeal from a district court order extending a temporary guardianship and denying a motion to dismiss. Review of the docketing statement and documents before this court reveals potential jurisdictional defects.

First, it appears that the challenged order may not be substantively appealable. No statute or court rule appears to allow an appeal from an order extending a temporary guardianship and denying a motion to dismiss. *See Brown v. MHC Stagecoach*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court “may only consider appeals authorized by statute or court rule”). Appellant asserts in her docketing statement that the order is appealable as final judgment under NRAP 3A(b)(1) and under NRS 159.375(1). However, it appears that the order is not a final judgment because it does not resolve all issues in the guardianship matter. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment); *cf. In re Temporary Custody of Five Minors*, 105 Nev. 441, 443, 777 P.2d 901, 902 (1989) (orders granting temporary custody which are subject to periodic mandatory review and modification are not appealable).

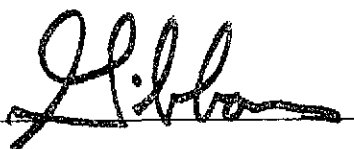
And although NRS 159.375(1) authorizes appeals from orders granting or revoking letters of guardianship, the challenged order does not grant or revoke letters of guardianship.<sup>1</sup>

Second, it appears that this appeal of the order extending the temporary guardianship may have been rendered moot by the entry of an order appointing a general guardian of person and estate on December 26, 2018. *See, e.g., Personhood Nevada v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (events subsequent to the docketing of appeal may render it moot).

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 or as moot. Respondent may file any reply within 11 days of service of appellant's response. Failure to demonstrate that this court has jurisdiction and that a viable issue is presented 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: Washoe Legal Services  
Allison MacKenzie, Ltd.

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<sup>1</sup>It appears from the district court docket sheet that an order issuing letters of temporary guardianship was entered on May 9, 2018.