

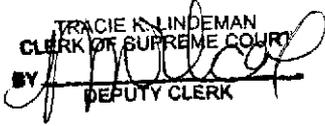
IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN YU,
Appellant,
vs.
ROURONG YU,
Respondent.

No. 70348

FILED

JUN 15 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from a district court order entered after a decree of divorce. Our initial review of the docketing statement and documents before this court reveals potential jurisdictional defects.

First, to the extent appellant challenges the portion of the order declaring appellant to be a vexatious litigant, no statute or court rule appears to authorize an appeal from an order declaring a party to be a vexatious litigant. *See Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule); NRAP 3A(b) (listing appealable orders); *Jones v. Eighth Judicial Dist. Court*, 130 Nev. Adv. Op. 53, 330 P.3d 475, 478 (2014) (considering a challenge to a district court order declaring a litigant vexatious brought via an original petition for a writ of mandamus).

Second, it is not clear whether any remaining portions of the district court order are substantively appealable. Appellant indicates in his docketing statement that the order is appealable under NRAP 3A(b)(1), NRAP 3A(b)(8), and NRS 2.090. Because there can be but one

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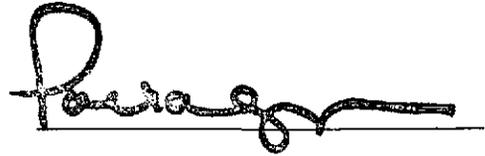
final judgment in a case, *Alper v. Posin*, 77 Nev. 328, 331, 363 P.2d 502, 503 (1961), *overruled on other grounds by Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000), and the decree of divorce entered on June 9, 2015, appears to be a final judgment, the order does not appear to be appealable as a final judgment under NRAP 3A(b)(1). To be appealable as a special order after final judgment, an order must affect the rights of a party growing out of the final judgment. It is not clear what, if any, rights arising from the divorce decree are affected by the challenged district court order. And the portion of NRS 2.090(1) cited by appellant only authorizes this court to review intermediate orders upon an appeal from an order otherwise within this court's jurisdiction. The challenged order does not appear to be intermediate to any other appealable order.

Appellant also suggests that the district court order denies a motion to modify the divorce decree. An order denying a motion to modify is appealable where the motion is based on changed factual or legal circumstances and the moving party is not attacking the original judgment. *Burton v. Burton*, 99 Nev. 698, 700, 669 P.2d 703, 705 (1983). It is not clear if appellant's motion was based on any such changed circumstances.

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. In responding to this order appellant should provide points and authorities as well as copies of any relevant documents filed in the district court. 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.

Briefing and the preparation of transcripts are suspended pending further order of this court.

It is so ORDERED.

 C.J.

cc: Law Offices of F. Peter James, Esq.
Rourong Yu
Sherry Justice, Transcript Video Services