

IN THE SUPREME COURT OF THE STATE OF NEVADA

BETTY CHAN; AND ASIAN
AMERICAN REALTY & PROPERTY
MANAGEMENT,

Appellants,

vs.

WAYNE WU; JUDITH SULLIVAN;
NEVADA REAL ESTATE CORP.;
JERRIN CHIU; AND KB HOME SALES-
NEVADA INC.,

Respondents.

No. 78666

FILED

MAR 09 2020

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

ORDER TO SHOW CAUSE

This is an appeal from a district court order granting a motion for summary judgment and awarding attorney fees and costs. This court previously entered an order directing appellants to show cause why this appeal should not be dismissed for lack of jurisdiction because it appeared that the notice of appeal may have been prematurely filed. See NRAP 4(a)(6). Appellants have filed a response and respondents have filed a reply. Respondents' reply raises additional jurisdictional concerns.

First, it appears that the March 22, 2019, order may not be appealable under NRS 38.247(1)(c) as an order confirming an arbitration award because that order does not actually confirm an arbitration award. The order merely states that it affirms the previous confirmation order, entered September 18, 2018. To the extent the March 22, 2019, order can be construed as an order confirming the arbitration award, it appears superfluous and unappealable. *Campos-Garcia v. Johnson*, 130 Nev. 610, 331 P.3d 890 (2014).

Second, the March 22, 2019, order may not be appealable pursuant to NRS 34.247(1)(f) as a final judgment entered under NRS

38.206-.248 because appellants' claims against KB Home Sales-Nevada Inc. and respondents' counterclaims remain pending in the district court.¹ See *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment).

In addition, it appears that the notice of appeal was improperly filed by appellant Betty Chan, a non-attorney, on behalf of appellant Asian American Realty & Property Management. See *Guerin v. Guerin*, 116 Nev. 210, 214, 993 P.2d 1256, 1258 (2000) (“[N]o rule or statute permits a non-attorney to represent any other person, a company, a trust, or any other entity in the district courts or in this court.”). It thus appears that this court lacks jurisdiction over the appeal filed on behalf of Asian American Realty. See *id.* (dismissing an appeal for lack of jurisdiction where the notice of appeal was filed by a non-attorney on behalf of a trust).

Accordingly, appellants shall have 28 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction.² In responding to this order, appellants should specifically explain how this court has jurisdiction to consider the district court's March 22, 2019, order under NRS 34.247(1)(c) and/or NRS 34.247(1)(f). Appellants should identify which claims and counterclaims were addressed in the arbitration proceedings and which claims and counterclaims were at issue in respondents' August 6, 2018, countermotion for summary judgment. Appellants should also respond to respondents' contention that appellants

¹It appears that respondents' counterclaim for declaratory relief may have been implicitly resolved or rendered moot by the September 18, 2018, and March 22, 2019, orders.

²Appellants' alternative request for an extension of time to cure any jurisdictional defect is denied as moot.

may not challenge the confirmation of the arbitration award in the context of this appeal from the March 22, 2019, order. Respondents may file any reply within 14 days of service of appellants' response. The parties should provide this court with any written, file-stamped order formally resolving appellants' claim against KB Homes, respondents' counterclaims, and appellants' April 1, 2019, motion, discussed in this court's previous order to show cause. *See* NRAP 4(a)(6) ("A premature notice of appeal does not divest the district court of jurisdiction.").

The deadlines to file documents in this appeal remain suspended pending further order of this court.

It is so ORDERED.

Pickering, C.J.

cc: Frizell Law Firm, PLLC
Wood, Smith, Henning & Berman, LLP/Las Vegas
Blackrock Legal, LLC