

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE EGGLESTON,
Appellant,
vs.
GEORGINA STUART; CLARK
COUNTY, NEVADA; LISA CALLAHAN;
AND BRIAN CALLAHAN,
Respondents.

No. 80838

FILED

JUN 10 2020

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


ORDER DENYING MOTION TO DISMISS

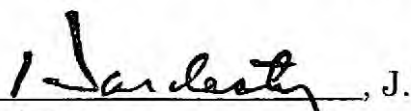
This is a pro se appeal from a district court order dismissing a complaint. Respondents Georgina Stuart and Clark County, Nevada (collectively Stewart) have filed a motion to dismiss this appeal in part. Stewart contends that although appellant asserts in his docketing statement that he appeals in part from a July 31, 2017, order, that order was not identified in the notice of appeal or the case appeal statement and thus cannot be challenged on appeal. Moreover, the time to file a notice of appeal from that order has now passed. In opposition, appellant contends that the July 31, 2017, order was not appealable as a final judgment. Appellant asks that this court sanction respondents for the allegedly frivolous motion to dismiss. Respondents have replied.

Generally, an order that is not identified in the notice of appeal will not be considered on appeal. *Abdullah v. State*, 129 Nev. 86, 90, 294 P.3d 419, 421 (2013). However, a “notice of appeal is not . . . intended to be a technical trap for the unwary draftsman,” *id.* (quoting *Lemmond v. State*, 114 Nev. 219, 220, 954 P.2d 1179, 1179 (1998)), and this court will not dismiss an appeal where intent to appeal from a specific judgment can be reasonably inferred from the notice of appeal and the respondent is not materially misled, *Collins v. Union Fed. Savings*, 97 Nev. 88, 90, 624 P.2d

496, 497 (1981). The July 31, 2017, interlocutory order is not independently appealable but is subject to review upon an appeal from the final judgment identified in the notice of appeal. *See Consolidated Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998). Under these circumstances, it is reasonable to construe the notice of appeal as including a challenge to the interlocutory July 31, 2017, order. Further, it does not appear that respondents were materially misled by appellant's failure to specifically identify the July 31, 2017, order in the notice of appeal. *See Abdullah*, 129 Nev. at 91, 294 P.3d at 422 (stating that respondent was not misled by a notice of appeal where it responded to arguments relating to an order that was not specifically identified in the notice of appeal). Accordingly, the motion to dismiss is denied. Appellant's motion to sanction respondents is also denied.

It is so ORDERED.


Parraguirre, J.


Hardesty, J.


Cadish, J.

cc: Steve Eggleston
Brian Callahan
Olson, Cannon, Gormley, & Stoberski
Lisa Callahan