

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER KHORSANDI, M.D.,
AN INDIVIDUAL; CHRISTOPHER
KHORSANDI, M.D., PLLC, A NEVADA
PROFESSIONAL LLC; AND
CATHERINE LE KHORSANDI, AN
INDIVIDUAL,

Appellants/Cross-Respondents,

vs.

SMITH PLASTIC SURGERY, INC., A
NEVADA CORPORATION; AND LANE
F. SMITH, M.D., AN INDIVIDUAL,

Respondents/Cross-Appellants.

No. 80957

FILED

DEC 15 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER TO SHOW CAUSE .

This is an appeal and cross-appeal from a district court order regarding a special motion to dismiss under NRS 41.660 or, alternatively, a motion to dismiss under NRCP 12(b).

This court previously entered an order directing respondents/cross-appellants to show cause why their cross-appeal should not be dismissed for lack of jurisdiction. Review of respondents/cross-appellants' response reveals an additional potential jurisdictional defect. It is not clear that the challenged order is substantively appealable.

NRS 41.970(4) allows an appeal from a district court order denying a special motion to dismiss filed under NRS 41.660. Appellants/cross-respondents filed a special motion to dismiss pursuant to NRS 41.660, or in the alternative, a motion to dismiss pursuant to NRCP 12(b)(5). Although both parties assert in their docketing statements that the district court denied the special motion to dismiss, the district court's written order treats the motion as one for summary judgment and sets a

future hearing regarding expedited discovery, without expressly denying the special motion to dismiss. Under these circumstances, it is unclear if the order is appealable as an order denying a special motion to dismiss under NRS 41.670(4). And no other statute or court rule appears to allow an appeal from the challenged order. *See Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court “may only consider appeals authorized by statute or court rule”).

Accordingly, the parties shall each have 30 days from the date of this order to show cause why this appeal and cross-appeal should not be dismissed for lack of jurisdiction. Failure to demonstrate that this court has jurisdiction may result in the dismissal of this appeal and cross-appeal.

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

It is so ORDERED.

 Pickering , C.J.

cc: Pisanelli Bice, PLLC
Sgro & Roger