

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE KENT AND
JANE WHIPPLE TRUST, DATED
MARCH 17, 1969, JANE WHIPPLE, CO-
TRUSTEE (ERRONEOUSLY NAMED
AS TRUSTEE), AND AMENDMENTS
THERE TO, JANE WHIPPLE.

No. 81972

FILED

MAR 01 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

JANE WHIPPLE, CO-TRUSTEE OF
THE KENT AND JANE WHIPPLE
TRUST, DATED MARCH 17, 1969, AS
AMENDED; AND JANE WHIPPLE,

Appellants,

vs.

WARNER WHIPPLE CO-TRUSTEE OF
THE KENT AND JANE WHIPPLE
TRUST, DATED MARCH 17, 1969, AS
AMENDED,

Respondent.

ORDER TO SHOW CAUSE

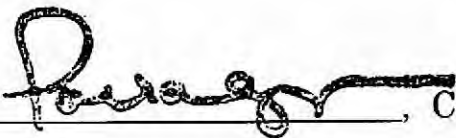
This is an appeal from an order denying a motion for summary judgment. Preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) reveals a potential jurisdictional defect. Specifically, this court has held that a district court's order denying summary judgment is an interlocutory decision and is not independently appealable. *GES, Inc. v. Corbitt*, 117 Nev. 265, 268, 21 P.3d 11, 13 (2001).

Appellant represents in the docketing statement that the order is appealable pursuant to NRAP 3A(b)(3) because it denies relief similar to denying injunctive relief. However, in its order the district court discussed the scope of its authority to rule on a motion for summary judgment while an arbitration is pending, as is the case here, and denied the motion based

on its conclusion that it lacks jurisdiction to rule on a dispositive motion while an arbitration is pending.

Accordingly, appellants shall have 30 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. Failure to demonstrate that this court has jurisdiction may result in this court's dismissal of this appeal. The briefing schedule in this appeal shall be suspended pending further order of this court. Respondent may file any reply within 14 days from the date that appellants' response is served.

It is so ORDERED.

 C.J.

cc: Justice Law Center
Bingham Snow & Caldwell
J. Douglas Clark, Attorney at Law, Ltd.