

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 THERETO, JANE WHIPPLE.

No. 81972

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

Appellants,

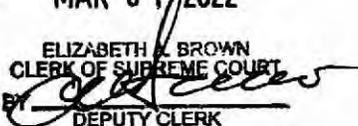
vs.

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

Respondent.

FILED

MAR 01 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER TO SHOW CAUSE*

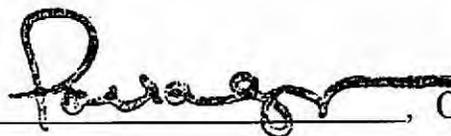
This is an appeal from an order denying a motion for summary judgment. Preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) reveals a potential jurisdictional defect. Specifically, this court has held that a district court's order denying summary 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.