

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
DEMETRIOS A. DALACAS,
DECEASED.

No. 83702

RYAN MCCLARAN,

Appellant,

vs.

ESTATE OF DEMETRIOS A. DALACAS;
AND JASEN E. CASSADY,

Respondents.

FILED

DEC 17 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER

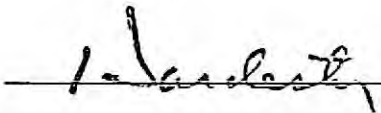
This appeal arises from a dispute as to who should be appointed the administrator of the estate of Demetrios A. Dalacas for purposes of ongoing litigation against the estate. Appellant is a creditor of the subject estate and claimed a statutory right under NRS 139.040 to select the administrator. The district court also entertained a nomination by the estate's insurance company and ultimately entered a formal order appointing the insurance company's nominee, Jasen Cassady, as special administrator pursuant to NRS 140.020 on September 21, 2021. A separate order issuing "Letters of Special Administration" in favor of Cassady was entered on September 27, 2021.

Appellant filed a notice of appeal from both orders and now seeks a determination from this court as to whether he has standing to appeal because the statutes underlying the two orders appear to have conflicting provisions for appealability. Specifically, NRS 140.020(3)(b) expressly provides that no appeal may be taken from an order appointing a special administrator. NRS 155.190(1)(a) provides expressly that an order

issuing or revoking letters of administration is an appealable order. Accordingly, appellant may appeal from the order issuing letters of special administration; no appeal lies from the order appointing a special administrator.

The deadlines for filing documents in this appeal are reinstated as follows. Appellant shall have 14 days from the date of this order to file and serve a transcript request form or certificate that no transcripts are requested. NRAP 9. Appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

 , C.J.

cc: Breeden & Associates, PLLC
Lipson Neilson P.C.
Blackrock Legal, LLC