

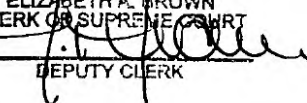
IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT ELLIS LINCICOME, JR.; AND
VICENTA LINCICOME,
Appellants,
vs.
BRECKENRIDGE PROPERTY FUND
2016, LLC,
Respondent.

No. 86324

FILED

JAN 12 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER REINSTATING BRIEFING

On October 18, 2023, respondent filed a motion to extend time to file its answering brief and appendix, indicating that this court may not have jurisdiction under NRAP 3A(b)(1) because there are purportedly remaining claims that have not been finally resolved by the district court. Given the potential jurisdictional defect, this court entered an order on November 8, 2023, directing appellants to show cause why this appeal should not be dismissed. Appellants have filed a response to the order to show cause and respondent has filed a reply.

This court may only consider appeals authorized by statute or rule. *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). NRAP 3A(b)(1) authorizes an appeal from “[a] final judgment entered in an action or proceeding commenced in the court in which the judgment is rendered.” As this court has explained, “a final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney’s fees and costs.” *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996

24-01385

P.2d 416, 417 (2000). Crucially, “[t]his court determines the finality of an order or judgment by looking to what the order or judgment actually *does*, not what it is called.” *Id.* at 427, 996 P.2d at 418 (quoting *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 445, 874 P.2d 729, 733 (1994)). Indeed, “this court has consistently determined the finality of an order or judgment by what it substantively accomplished.” *Id.*

Here, appellant argues that the district court’s February 10, 2023, order granting in part respondent’s motion for judgment on its remaining claims is a final judgment. Respondent concedes that the order entered judgment in its favor on most of the causes of action in its counterclaim, but it argues that the court did not dismiss, enter judgment, or otherwise resolve its slander of title cause of action.¹ The district court’s order, however, denied respondent’s motion for summary judgment on the slander of title cause of action and specifically noted that respondent “cannot succeed on the slander of title cause of action.” Thus, despite the labeling in the district court’s order, in substance, it plainly resolved each of the causes of action in respondent’s counterclaim. This court therefore concludes that the district court’s order granting in part respondent’s motion for judgment on its remaining claims is a final, appealable judgment.

Accordingly, briefing in this appeal is reinstated as follows. Respondent shall have 30 days from the date of this order to file and serve

¹In addition, respondent contends that its crossclaim against Prof-2013-M4 Legal Trust “has never been dismissed and remains an active claim.” Although unmentioned by respondent, the record on appeal reveals a stipulation and order, dated October 11, 2022, dismissing its crossclaim.

its answering brief. Briefing shall thereafter proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

 Colin , C.J.

cc: Clouser Hempen Wasick Law Group, Ltd.
Millward Law, Ltd.
Wedgewood, LLC
Arias Sanguinetti Stahle Torrijos, LLP/Las Vegas
Wright, Finlay & Zak, LLP/Las Vegas
Hutchison & Steffen, LLC/Las Vegas
Akerman LLP/Las Vegas
ZBS Law, LLP