

SUPREME COURT OF NEVADA

RJS Legacy, LLC v. IBMS LLC

RJS Legacy · No. 82577 · Decided October 21, 2021

SUMMARY

The Nevada Supreme Court dismissed an appeal from an order appointing a successor interim receiver for lack of appellate jurisdiction. The court held that NRAP 3A(b)(4), which permits appeals from orders appointing or refusing to appoint a receiver, does not authorize an appeal from an order appointing a successor receiver.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Stiglich, J.
JURISDICTION	Nevada
DECIDED	October 21, 2021
DOCKET	82577
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a district court order appointing a successor interim receiver; respondent moved to dismiss for lack of appellate jurisdiction.
STANDARD OF REVIEW	The court construed the scope of appellate jurisdiction under NRAP 3A(b)(4) and strictly construed the rule as an exception to the final judgment rule.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion
PARTIES	RJS Legacy, LLC, Lisa Shambro v. IBMS LLC, Fourteener, LLC, Mitchell Chait, Danielle Slaughter, as successor interim receiver

TOPICS

- appellate jurisdiction
- interlocutory appeal
- final judgment rule
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- Appellate procedure
- Civil procedure
- Commercial litigation

QUESTIONS PRESENTED

1. Whether NRAP 3A(b)(4), which permits an appeal from an order appointing or refusing to appoint a receiver, authorizes an appeal from an order appointing a successor receiver.
2. Whether any other statute or court rule authorized appellate jurisdiction over the order appointing the successor receiver.

HOLDINGS

1. NRAP 3A(b)(4) does not permit an appeal from a district court order appointing a successor receiver.
2. Because no other statute or court rule appeared to authorize an appeal from the challenged order, the Supreme Court of Nevada lacked jurisdiction.

KEY QUOTATIONS

“This rule provides an exception to the final judgment rule by allowing an appeal from an interlocutory order.”

“So construed, NRAP 3A(b)(4) does not permit an appeal from a district court order appointing a successor receiver.”

“As no other statute or court rule appears to allow an appeal from the challenged order, this court lacks jurisdiction.”

FACTUAL BACKGROUND

The district court had previously appointed a receiver for Fourteener, LLC. The challenged order appointed Danielle Slaughter as a successor interim receiver. The appellants sought appellate review of that order, while IBMS LLC argued that the governing appellate rule authorizes appeals from orders appointing receivers but not from orders appointing successor receivers.

PROCEDURAL HISTORY

The Eighth Judicial District Court for Clark County entered an order appointing a successor interim receiver. The appellants appealed. IBMS LLC moved to dismiss, arguing that Nevada Rule of Appellate Procedure 3A(b)(4) does not authorize an appeal from an order appointing a successor receiver. The Supreme Court of Nevada granted the motion and dismissed the appeal for lack of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Yonker Constr., Inc. v. Hulme, 126 Nev. 590, 592, 248 P.3d 313, 314 (2010)
- City & Cty. of San Francisco v. Shers, 46 Cal. Rptr. 2d 57 (Ct. App. 1995)
- Swate v. Johnston, 981 S.W.2d 923, 925 (Tex. App. 1998)

- State v. Superior Ct. of Spokane Cty., 34 P. 431 (1893)
- Brown v. MHC Stagecoach, LLC, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013)

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