

## Scholarly Commons @ UNLV Boyd Law

---

Nevada Supreme Court Summaries

Law Journals

---

5-30-2013

### Summary of Brown v. MHC Stagecoach, LLC, 129 Nev. Adv. Op. 37

Katelyn M. Franklin  
*Nevada Law Journal*

Follow this and additional works at: <https://scholars.law.unlv.edu/nvscs>



Part of the [Civil Procedure Commons](#)

---

#### Recommended Citation

Franklin, Katelyn M., "Summary of Brown v. MHC Stagecoach, LLC, 129 Nev. Adv. Op. 37" (2013). *Nevada Supreme Court Summaries*. 89.

<https://scholars.law.unlv.edu/nvscs/89>

This Case Summary is brought to you by the Scholarly Commons @ UNLV Boyd Law, an institutional repository administered by the Wiener-Rogers Law Library at the William S. Boyd School of Law. For more information, please contact [youngwoo.ban@unlv.edu](mailto:youngwoo.ban@unlv.edu).

## CIVIL PROCEDURE

### **Summary**

The Court considered Brown's appeal from a district court's order statistically closing her employment discrimination case against MHC Stagecoach LLC (MHC). Brown argued that the district court's decision was a final, appealable order and thus within the appellate jurisdiction of the Court.

### **Disposition**

The Court held that a form order statistically closing a case is not an appealable judgment under Nevada Rule of Appellate Procedure 3A(b)(1).

### **Factual and Procedural History**

Appellant Brown instituted an action against MHC in district court alleging discriminatory treatment during her employment. The parties reached a settlement agreement, which ultimately Brown refused to sign. MHC then filed a motion in district court to enforce the agreement. The court granted the motion without entering a judgment favoring either party or resolving the issue as to whether the settlement agreement was a final expression of the parties' agreement.<sup>2</sup>

Following the district court's order, MHC wrote a settlement check to Brown. When Brown refused to deposit it, MHC filed a motion to deposit the settlement proceeds with the district court. The district court granted the motion, again without entering judgment in favor of either party or otherwise resolving the case. Two weeks later, the district court entered a form order statistically closing the case on the basis that there had been a stipulated judgment. It is this order from which Brown appealed.

### **Discussion**

Justice Gibbons wrote the opinion of the Court for the en banc panel. The question before the Court was whether a district court form order statistically closing a case is substantively appealable.

The Court noted that the Nevada Supreme Court appellate jurisdiction is limited and that the Court can only consider cases that have been authorized by statute or court rule.<sup>3</sup> No statute or court rule directly enables the Court to hear cases appealed from a statistical closure.<sup>4</sup> However, the Nevada Rules of Appellate Procedure do permit the Court to consider appeals from final judgments.<sup>5</sup>

---

<sup>1</sup> By Katelyn M. Franklin

<sup>2</sup> Brown appealed this order too, however, the Court determined it did not have jurisdiction over the appeal since it was not a final judgment.

<sup>3</sup> *Taylor v. Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984).

<sup>4</sup> See NEV. R. OF APP. P. 3A(b) (2012) (setting forth appealable judgments and orders).

<sup>5</sup> NEV. R. OF APP. P. 3A(b)(1).

The Court concluded that the statistical closure was not a final judgment. The court focused on the effect of the statistical closure on the case.<sup>6</sup> To be final, an order must resolve every legal issue involved in a case and leave nothing for the court to consider except post-judgment issues like attorney's fees.<sup>7</sup>

Turning to the text of the order, the Court concluded that it did not resolve all the issues involved in the dispute. The order only directed the clerk of the court to statistically close the case based on a stipulated judgment.<sup>8</sup> The Court interpreted this as contemplating a prior entry of a disposition of the case. Additionally, Brown still contends that the settlement agreement is invalid, and the previous district court orders were not final because they did not award a judgment or resolve any of the underlying legal issues. Accordingly, the order statistically closing the case could not constitute a final judgment and the Court did not have jurisdiction over the appeal.

### **Conclusion**

The Court dismissed Brown's appeal.

---

<sup>6</sup> Valley Bank of Nev. v. Ginsburg, 110 Nev. 440, 445, 874 P.2d 729, 773 (1994) (whether an order is final depends on "what the judgment actually does, not what it is called.").

<sup>7</sup> Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000).

<sup>8</sup> That the case was statistically closed due to a stipulated judgment was not significant to the court's ruling; the Court noted it would rule the same way had the statistical closure been voluntary, involuntary, a stipulated dismissal, or summary judgment.