

**RULE 3A. CIVIL ACTIONS: STANDING TO APPEAL;
APPEALABLE DETERMINATIONS**

(a) Standing to Appeal. A party who is aggrieved by an appealable judgment or order may appeal from that judgment or order, with or without first moving for a new trial.

(b) Appealable Determinations. An appeal may be taken from the following judgments and orders of a district court in a civil action:

(1) A final judgment entered in an action or proceeding commenced in the court in which the judgment is rendered.

(2) A ~~post-judgment~~ order granting or denying a motion ~~for a new trial~~ under NRCP 50(b), 52(b), 59(a), or 59(e).

(3) An order granting or refusing to grant an injunction or dissolving or refusing to dissolve an injunction.

(4) An order appointing or refusing to appoint a receiver or vacating or refusing to vacate an order appointing a receiver.

(5) An order dissolving or refusing to dissolve an attachment.

(6) An order changing or refusing to change the place of trial ~~of an action or proceeding only when a notice of appeal from the order is filed within 30 days.~~

Commented [SA1]: To be consistent with new NRAP 4(a)(5)

Commented [SA2]: The subcommittee recommends limiting this subsection to the requirements of NRS 2.090 and 2.110.

(A) ~~Such an order may only be reviewed upon a timely direct appeal from the order and may not be reviewed on appeal from the judgment in the action or proceeding or otherwise.~~ On motion of any party, the court ~~granting or refusing to grant a motion to change changing or refusing to change~~ the place of trial ~~of an action or proceeding~~ shall enter an order staying the trial of the action or proceeding until the time to appeal from the order granting or refusing to grant the motion to change the place of trial has expired or, if an appeal has been taken, until the appeal has been resolved.

(B) Whenever an appeal is taken from such an order, the clerk of the district court shall forthwith certify and transmit to the clerk of the Supreme Court, as the record on appeal, the original papers on which the motion was heard in the district court and, if the appellant or respondent demands it, a transcript of any proceedings had in the district court. The district court shall require its court reporter to expedite the preparation of the transcript ~~in preference to any other request for a transcript in a civil matter~~. When the appeal is docketed in the ~~Supreme court~~Court, it stands submitted without further briefs or oral argument unless the court otherwise orders.

Commented [SA3]: Some of the subcommittee members wanted to eliminate the automatic stay pending appeal and subject change-of-trial appeals to the ordinary requirements of Rule 8(c).

~~(7) An order entered in a proceeding that did not arise in a juvenile court that finally establishes or alters the custody of minor children.~~ (7) A final order in proceedings brought under NRS Title 11 (Domestic Relations), including a final order that establishes or alters child custody.

Commented [SA4]: The subcommittee did not reach agreement on revisions to subsection (b)(7). Emily's proposed restructuring is presented as a separate version.

(8) A special order entered after final judgment, including a post-judgment order awarding or refusing attorney's fees or costs or granting or denying relief under NRCP 60(b), or any other post-judgment order affecting the rights of a party incorporated in the judgment~~excluding an order granting a motion to set aside a default judgment under NRCP 60(b)(1) when the motion was filed and served within 60 days after entry of the default judgment.~~

Commented [SA5]: Alternate (to keep but clarify current rule):

(8) A special order entered after final judgment, including an order granting or denying post-judgment relief under NRCP 60 but excluding an order granting a motion to set aside a default judgment under NRCP 60(b)(1) when the motion was filed and served within 60 days after entry of the default judgment.

(9) An interlocutory ~~judgment,~~ order or decree in an action to redeem real or personal property from a mortgage or lien that determines the right to redeem and directs an accounting.

(10) An interlocutory ~~judgment order~~ in an action for partition that determines the rights and interests of the respective parties and directs a partition, sale or division.

(11) An order holding a party in contempt, whether designated as civil or criminal, if the order imposes or threatens a sentence of imprisonment.