NEVADA APPELLATE COURTS CIVIL OPINION REVIEW

Apr. 2024-Mar. 2025

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CLAGGETT & SYKES LAW FIRM

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1. *Ene v. Graham*, 140 Nev., Adv. Op. 26 (Apr. 18, 2024) (Justices Herndon, Lee, and Parraguirre) – Alter ego.

Determining whether a person is the alter ego of an LLC requires the court to conduct the same analysis that applies to corporations under NRS 78.747, which is a legal issue for courts to decide. This analysis includes specific findings as to influence over and governance of the company, the unity of interest and ownership between the alleged alter ego and the company, and whether adherence to the notion of separate entities would sanction fraud or promote injustice.

2. *Jones v. Ghadiri*, 130 Nev., Adv. Op. 27 (Apr. 18, 2024) (En Banc) – Easements.

Although rare, Nevada will recognize a comprehensive prescriptive easement excluding an owner of the servient estate from the subject property when the movant can demonstrate exceptional circumstances warranting such an easement. Whether these exceptional circumstances exist is a fact-intensive inquiry dependent on the circumstances of the case.

3. *Nevadans for Reprod. Freedom v. Washington*, 140 Nev., Adv. Op. 28 (Apr. 18, 2024) (En Banc) – Initiative petitions.

An initiative petition seeking to enshrine a state constitutional right to reproductive freedom did not violate NRS 295.009's single subject rule because all its provisions were fundamentally related or germane to that single subject of reproduction. The description of the initiative's effect was legally sufficient because it addressed the initiative's goals of recognizing and protecting a fundamental right to reproductive freedom, noting that a description of effect cannot be required to address all possible ramifications of an initiative in a limited 200-word summary.

4. *City of Las Vegas v. 180 Land Co.*, 140 Nev., Op. 29 (Apr. 18, 2024) (En Banc) – Takings.

The Supreme Court ruled that zoning ordinances trump the designation in a master plan, and the City's own "land use hierarchy" places zoning designations at the pinnacle. The Court held that a per se taking had occurred, which requires just compensation. The appropriate value for just compensation "is determined by the property's market value 'by reference to the highest and best use for which the land is available and for which it is plainly adaptable.'" The landowner's expert witness provided uncontroverted evidence that the highest and best use was residential development, not a golf course, and that the value of the land was $34,135,000. The Court also denied the landowner's cross-appeal requesting prejudgment interest beyond the legal interest rate.

5. *Sisolak v. Polymer80, Inc.*, 140 Nev., Adv. Op. No. 30 (Apr. 18, 2024) (En Banc) – Firearm regulation; statutory interpretation.

This case addresses a facial challenge to the constitutionality of several statutes regulating "ghost guns." NRS Chapter 202 prohibits a person from engaging in certain acts relating to unfinished frames or receivers and prescribes certain acts relating to firearms that are not imprinted with serial numbers, thereby enjoining several statutes that regulate ghost-guns. The Supreme Court held that the terms used to define "unfinished frame or receiver" have ordinary meanings such that vagueness does not pervade. Further, the statutes are general intent statutes and do not lack a scienter requirement, nor do they pose a risk of arbitrary or discriminatory enforcement.

6. *Bowman v. Elkanich, M.D.*, 140 Nev., Adv. Op. 31 (Apr. 18, 2024) (Court of Appeals) – Professional negligence; statutes of limitations.

In an action alleging that a doctor committed professional negligence during surgery, the district court erred in dismissing the complaint as untimely pursuant to the one-year statute of limitations (former NRS 41A.097) because factual disputes remained regarding when the cause of action accrued, in particular that the defendant doctor continually reassured the plaintiff that his post-operative condition would improve.

7. *Capital Advisors, LLC v. CAI*, 140 Nev., Adv. Op. 34 (May 23, 2024) (Justices Herndon, Lee, and Bell) – Derivative actions; liability for parent companies.

Officers and directors of a parent company can be individually liable where those officers and directors have knowledge of proposed action by a wholly owned subsidiary that is adverse to the parent company and intentionally implement or knowingly permit the adverse action. That liability is not dependent upon piercing the corporate veil and is not limited to wholly owned subsidiaries directly beneath the parent company. The Court reasoned that the directors and officers of the parent company have a fiduciary duty to act in the best interests of the parent company.

8. *In re: Parametric Sound Corp. Shareholders' Litig.*, 140 Nev., Adv. Op. 36 (Jun. 6, 2024) (Justices Stiglich, Pickering, and Parraguirre) – Derivative actions.

The Court reversed its holding in *Parametric Sound Corp. v. Eighth Judicial District Court*, 133 Nev. 417, 401 P.3d 1100 (2017) (*Parametric I*), which held that equity expropriation claims brought by shareholders against a corporation may, in some circumstances, qualify as a direct rather than a derivative claim. Because the Delaware case the Court relied upon in *Parametric I* was overruled to find that these claims are almost always derivative, and because the shareholders in this case failed to meet the test demonstrating direct harm outlined in *Parametric I*, the district court properly dismissed the shareholders' equity expropriation claims given that the shareholders were former shareholders who lack standing to pursue derivative claims.

9. *Dignity Health v. Dist. Ct.*, 140 Nev., Adv. Op. 40 (Jun. 20, 2024) (Justices Stiglich, Pickering, and Parraguirre) – COVID-19 tolling.

The plain language of Emergency Directives 009 and 026, which tolled "any specific time limit set by state statute or regulation for the commencement of any legal action" for a brief period during the COVID-19 pandemic, tolled the time limit for 122 days under NRS 41A.097(5) for commencing a legal action against healthcare providers on behalf of a child for brain damage or birth defect. So, a complaint filed 72 days after the child's 10th birthday was timely.

10. *Deutsche Bank Tr. Co. Americas v. SFR Invs. Pool 1, LLC*, 140 Nev., Adv. Op. 43 (Jun. 27, 2024) (En Banc) – Quiet title; superpriority liens.

Unless expressly authorized by the homeowner, a homeowners' association may not allocate a payment in a way that results in forfeiture of the first deed of trust holder's interest and deprives the homeowner of the security in the home. Principles of justice and equity presume that a superpriority lien is satisfied first unless the district court has a compelling reason to conclude otherwise.

11. *The Redevelopment Agency of the City of Sparks v. Nev. Labor Comm'r*, 140 Nev., Adv. Op. 44 (Jun. 27, 2024) (Justices Cadish, Pickering, and Bell) – Public contracts; prevailing wage standards.

NRS 279.500(2) provides that where a redevelopment agency transfers property to a developer for less than fair market value or provides financial incentives worth more than $100,000, then the development project is subject to prevailing wage provisions. Here, the redevelopment agency transferred the developer property in exchange for a deed restriction obligating the developer to maintain free public parking on the property for 50 years. The labor commissioner improperly assessed a penalty against the redevelopment agency for not requiring the developer to pay prevailing wages because transferring property in exchange for future services does not, without more, automatically provide a "financial incentive" under the meaning of NRS 279.500(2)(c). Without evidence of a financial incentive of more than $100,000 or a finding that the present value of parking obligation was less than fair market value, the project was not subject to prevailing wage provisions.

12. *Limprasert v. PAM Specialty Hosp. of Las Vegas LLC*, 140 Nev., Adv. Op. 45 (Jun. 27, 2024) (En Banc) – Professional negligence; ordinary negligence.

The Court overruled the common knowledge exception outlined in *Estate of Curtis v. South Las Vegas Medical Investors, LLC*, 136 Nev. 350, 466 P.3d 1263 (2020) for professional negligence claims. The Court held that this common knowledge exception was unworkable and not supported by the plain language of NRS 41A.015, which defines "professional negligence." Thus, the relevant question for distinguishing whether a

claim constitutes ordinary or professional language is whether the claim arises within the course of a professional relationship "in rendering services." Only the circumstances of res ipsa loquitur enumerated in NRS 41A.100 are exceptions to the NRS 41A.071 affidavit requirement. The Court also clarified that the affidavit can be submitted after a complaint is filed if the complaint references the affidavit and the affidavit was executed before the complaint was filed.

13. *Adkins v. Union Pac. R.R. Co.*, 140 Nev., Adv. Op. 48 (Aug. 15, 2024) (Justices Cadish, Pickering, and Bell) – Statutes of limitations; tolling.

The discovery rule may toll the two-year limitations period in NRS 11.190(4)(e) where the plaintiff is not aware of the cause of action due to the defendant's concealment of the facts or where the "occurrence and the manifestation of damage are not contemporaneous" such that plaintiff could not reasonably be expected to have discovered the facts to support a cause of action, despite reasonable diligence. The Court applied the discovery rule, even though the plain language of the statute did not expressly reference the rule.

14. *Thomas Labs, LLC v. Dukes*, 140 Nev., Adv. Op. 51 (Aug. 22, 2024) (Justices Herndon, Lee, and Bell) – Death of a party; substitution.

When a party dies, the decedent's attorney must file a notice of death with the court and serve the notice on both the other parties and on the decedent's successors or representatives under NRS 7.075 and NRCP 25(a). If the successor or representatives are not readily known, the attorney must look to Nevada law on succession to ascertain who to serve. Although NRCP 25(e) contains a 180-day deadline to substitute a proper party, a decedent's attorney must abide by the shorter, 90-day deadline to substitute a property party set forth in NRS 7.075. If the notice of death is not served on nonparty successors or representatives, the 180-day clock for dismissal does not begin.

15. *PHWLV, LLC v. House of CB USA, LLC*, 140 Nev., Adv. Op. 53 (Aug. 22, 2024) (Justices Herndon, Lee, and Bell) – Commercial property; duty and breach.

A commercial landlord that leases property has a duty to its tenants to exercise reasonable care to avoid damaging their property, but whether a commercial landlord violated that duty is a factual question for the jury. The Court ordered a new trial because the district court had improperly expanded the scope of the landlord's duty at the summary judgment stage, which affected other elements of negligence.

16. *In re: Discipline of Hardeep Sull*, 140 Nev., Adv. Op. 54 (Aug. 22, 2024) (Justices Herndon, Lee, and Bell) – Attorney discipline; client funds.

When a lawyer receives an advance of fees, including "flat" or "fixed" fees, those fees must be placed in a trust account that complies with RPC 1.15 and withdrawn only as the fees are earned or expenses are incurred. Fees paid in advance of legal service are not earned upon receipt but are an advance for services to be rendered. Furthermore, when a client retains an attorney for multiple matters, and each matter has a separate fee agreement, if the client terminates representation for one matter, the attorney must comply with the surrender and refund mandates of RPC 1.16(d) even if the other matters remain pending.

17. *Wynn v. The Associated Press*, 140 Nev., Adv. Op. No. 56 (Sept. 2024) (En Banc) – Defamation; anti-SLAPP.

Anti-SLAPP framework demands a two-prong analysis when considering a special motion to dismiss. The first prong requires a district court to determine whether the moving party has established the right to petition or the right to free speech in direct connection with a public concern. If the moving party makes this initial showing, then the burden shifts under the second prong to the plaintiff to show with prima facie evidence a probability of prevailing on the defamation claim. The Court held for a public figure defamation claim, the plaintiff must show clear and convincing evidence sufficient for a jury to reasonably infer the publication was made with actual malice.

18. *Litchfield v. Tucson Ridge HOA*, 140 Nev., Adv. Op. 57 (Sept. 5, 2024) (Justices Stiglich, Pickering, and Parraguirre) – Law of the case; successor judges.

Under the law of the case doctrine, which applies to interlocutory orders, a successor judge may not revisit an issue previously decided by a prior judge in the same proceeding unless (1) subsequent proceedings produce substantially new or different evidence, (2) there has been an intervening change in controlling law, or (3) the prior decision was clearly erroneous and would result in manifest injustice if enforced.

19. *De Becker v. UHS of Del., Inc.*, 140 Nev., Adv. Op. 58 (Sept. 19, 2024) (Justices Stiglich, Pickering, and Parraguirre) – Professional negligence; affidavit requirement.

NRS 41A.071(3) requires that an affidavit identifying the specific acts of negligence by each allegedly negligent medical professional be attached to any complaint asserting claims of professional negligence. Here, the attached affidavit did not separately identify the specific acts of negligence committed by each defendant doctor and was thus insufficient. The Court also concluded that a complaint could not be amended to attach the required affidavit. The remaining claim against the hospital was barred by the Public Readiness and Emergency Preparedness ("PREP") Act, which limits legal liability for medical actions taken during a time of public health emergencies if the treatment is related to the public health emergency. In this case, the PREP Act barred a claim for failing to obtain informed consent before administering a covered countermeasure, which was administering an improper medication.

20. *Hi-Tech Aggregate, LLC v. Pavestone, LLC*, 140 Nev., Adv. Op. 59 (Sept. 19, 2024) (Justices Stiglich, Pickering, and Parraguirre) – Products liability.

This case involved contract and tort claims against a supplier for product to manufacture pavers. Adopting the reasoning of official comment 1 to UCC Section 2-315, the Court held that the implied warranty of fitness for a particular purpose will apply in cases where the seller has actual knowledge of the buyer's intended purpose or has reason to know of the purpose. Adopting the reasoning of comment 8 to UCC Section 2-316, the Court further held that a warranty will not be excluded in cases where a

simple examination would not detect the existence of a latent defect. Finally, when damages only occur to the product itself, the economic loss doctrine precludes tort claims for that damage.

21. *Griffith v. Rivera*, 140 Nev., Adv. Op. No. 60 (Sept. 19, 2024) (Justices Stiglich, Pickering, and Parraguirre) – Short trials.
Effective January 1, 2023, the Nevada Short Trial Rules ("NSTR") increased the maximum attorney fees that a judge could award from $3,000 to $15,000 according to NSTR 27(b)(4). Here, the trial court entered final judgment consistent with the increase, awarding each plaintiff the maximum attorney fee, as opposed to interpreting the fee cap as a per-side limitation. The Court affirmed, holding that the parties had notice of the rule change and that the amendment governing the available remedy was procedural and not substantive.

22. *Amtrust N. Am., Inc. v. Vasquez, Jr.*, 140 Nev., Adv. Op. 61 (Sept. 19, 2024) (En Banc) – Workers' compensation liens.
The Court held that the *Breen* formula, which requires workers' compensation insurers to bear a portion of litigation costs to recover a lien against an award in a tort action, conflicts with NRS 616C.215(5). The Court overruled the *Breen* formula and *Poremba* to the extent they conflicted with the statute, stating that an insurer's lien applies to the total proceeds of any recovery, including noneconomic damages. The Court held that there is no requirement for an insurer to intervene or participate in the third-party claim to recover on its lien. Ultimately, the Court returned "the issue of regulating workers' compensation liens to the Legislature."

23. *State, Sec'y of State v. Wendland*, 140 Nev., Adv. Op. 64 (Sept. 26, 2024) (Court of Appeals) – Disciplinary proceedings.
A classified state employee appealing a workplace disciplinary action must provide a copy of the written notification of discipline, but the employee substantially complies with that requirement by accurately filling out the appeal form and attaching a copy of the written notification in an opposition to a motion to dismiss. Classified state employees in Nevada have a procedural due process right that includes notice of the charges, explanation of the evidence, and an opportunity to respond. The Secretary of State satisfied those requirements in this case, and the

hearing officer erred in concluding that the employee was entitled to additional protections. Thus, the district court erred by denying the Secretary of State's petition for judicial review, which was remanded for an undecided issue.

24. *The Heights of Summerlin, LLC v. Dist. Ct.*, 140 Nev., Adv. Op. 65 (Oct. 3, 2024) (Justices Stiglich, Pickering, and Parraguirre) – COVID-19 immunity.

This case involves allegations of a failure to act to prevent the spread of disease. The Public Readiness and Emergency Preparedness ("PREP") Act, which limits legal liability for medical actions taken during a time of public health emergencies, does not provide per se immunity to facilities that fail to have a COVID-19 safety policy because a policy is not a covered medical treatment under the Act. Nevada's Emergency Directive 011 issued by Governor Sisolak during the COVID-19 pandemic does not provide immunity to health facilities because it does not list health care facilities as a covered medical provider to which the Governor granted immunity.

25. *Nevins, M.D. v. Martyn*, 140 Nev., Adv. Op. 66 (Oct. 17, 2024) (En Banc) – Professional negligence; attorney fees and costs.

The 2015 amendments to NRS 41A.100(3), which precludes the rebuttable presumption of negligence where the plaintiff designates an expert witness to establish standard of care, do not apply retroactively. Under the former statute applied at trial, the plaintiff was able to both designate an expert witness and apply the res ipsa presumption in the statute. Professional entities are subject to the NRS 41A.035(1) cap on noneconomic damages when they are vicariously liable for an individual practitioner's negligence. Additionally, the district court erred when it failed to apply NRS 7.095 to the professional entity defendants, which is not waivable, even though they are not specifically named in the statute because it would be absurd to ignore the professional entities' vicarious liability.

26. *Mass Land Acquisition, LLC v. Dist. Ct.*, 140 Nev., Adv. Op. No. 67 (Oct. 17, 2024) (En Banc) – Government; eminent domain.
Nev. Const. art. 1 § 22(1), as amended, provides procedural protections for landowners, including the right to have a jury determine whether a taking is actually for a public use before occupancy is granted. However, Nevada statutes delegate the government's eminent domain power to regulated public utilities for certain specified public uses, including pipelines for the transportation of natural gas. Here, the Court concluded that the regulated public utility was exercising delegated eminent domain powers consistent with statutory and constitutional provisions, such that the public utility was treated as the government under Nev. Const. art. 1 § 22(8).

27. *Nev. Policy Research Inst. v. Miller*, 140 Nev., Adv. Op. 69 (Oct. 31, 2024) (En Banc) – Separation of powers.
The Nevada Constitution bars a legislator from simultaneous service in another department of state government but does not bar employment with a local government. Moreover, the Nevada System of Higher Education is not part of the executive department, so dual service does not violate separation of powers principles. Additionally, local government employees are distinguishable from employees of a state government department for separation-of-powers purposes and are not part of the state executive department.

28. *Bourne v. Valdes, M.D.*, 140 Nev., Adv. Op. No. 74 (Nov. 27, 2024) (Justices Herndon, Lee, and Ball) – Medical malpractice; suicide as intervening cause.
Nothing in Nevada's professional negligence statutes precludes a health care provider from liability for a patient's death where the patient died by suicide. Whether a health care provider caused a patient's death in cases where the patient died by suicide must be resolved under established medical malpractice principles.

29. S***aticoy Bay LLC Ser. 3580 Lost Hills v. Foreclosure Recovery Ser., LLC*****, 140 Nev., Adv. Op. 75 (Nov. 27, 2024) (Justices Herndon, Lee, and Bell) – Redemption of Real Property.**
NRS 116.31166 provides homeowners and their successors in interest with the right to redeem real property within 60 days of foreclosure. Although the statute does not define "successor in interest," reading the term harmoniously with other laws that address the same subject matter, the term refers to persons, other than creditors, who are entitled to property of a decedent under the terms of a decedent's will. Thus, upon a testator's death a will beneficiary becomes the testator's successor in interest for the purposes of NRS 116.31166 with the right to redeem the real property from foreclosure.

30. ***Malco Enter. of NV, Inc. v. Woldeyohannes,*** **140 Nev., Adv. Op. 76 (Dec. 5, 2024) (En Banc) – Consumer transportation; insurance.**
NRS 482.305 holds that short-term lessors of motor vehicles who fail to provide minimum insurance coverage to lessees are jointly and severally liable for damages caused by a lessee's negligence. A federal statute known as the Graves Amendment prohibits states from holding vehicle lessors vicariously liable for damages caused by others without a showing of negligence or wrongdoing. However, here, the short trial judge, and the district court affirmed, correctly concluded that NRS 482.305 is a financial responsibility law that is preserved by the Graves Amendment's savings clause and is thus not preempted.

31. ***Pub. Employees' Ret. Sys. of Nev. v. Las Vegas Police Managers and Supervisors Ass'n,*** **140 Nev., Adv. Op. 80 (Dec. 19, 2024) (Justices Herndon, Lee, and Bell) – Statutory interpretation; statutory authority.**
The Las Vegas Police Managers and Supervisors Association has statutory authority pursuant to NRS 288.150(2)(d) to negotiate paid holidays on behalf of the Association. In turn, based on the plain language of NRS 286.025, PERS is required to obtain additional contributions on all paid "holiday[s]." Therefore, the district court properly granted summary judgment in favor of the Association, requiring PERS to collect employer contributions for the additional holidays identified in the Association's collective bargaining agreement.

32. *City of Las Vegas v. Las Vegas Police Prot. Ass'n*, 141 Nev., Adv. Op. 1 (Jan. 9, 2025) (En Banc) – Nevada Police Officer's Bill of Rights; statutory authority.

NRS 289.010-.120 codifies the Police Officer's Bill of Rights. NRS 289.060(2)(d) specifically requires that a peace officer facing potential punitive action must receive "the name and rank of the officer in charge of the investigation and the officers who will conduct any interrogation or hearing." In this case, the peace officer had a disciplinary investigation conducted by a city human resources employee instead of a peace officer. The Court affirmed the district court's grant of summary judgment to the peace officer for failure to comply with the requirements of the statute.

33. *Protective Ins. Co. v. State, Comm'n of Ins.,* 141 Nev., Adv. Op. 3 (Jan. 16, 2025) (Justices Stiglich, Pickering, and Parraguirre) – Insurance subrogation; statutory interpretation.

When an insurance company becomes insolvent, and the remaining assets are insufficient to cover all outstanding claims, NRS 696B.420(1)(b) governs the priority of the claims. The highest nonadministrative priority classification outlined in NRS 696B.420(1)(b) includes claims by and against policyholders of the insolvent insurance company and claims by specific statutory insurance guaranty associations. The Court concluded that Nevada subrogation law, the statute's text, and public policy require that NRS 696B.420(1)(b) exclude a private insurance company's subrogation claim, which should instead be classified under the NRS 696B.420(1)(g) residual category.

34. *CCMSI v. Odell,* 141 Nev., Adv. Op. 5 (Jan. 30, 2025) (Court of Appeals) – Workers' compensation; statutory interpretation.

The Court affirmed an appeals officer's application of the law and decision ordering workers' compensation benefits as both supported by substantial evidence and consistent with NRS 617.457. This statute creates a conclusive presumption for firefighters, police officers, and arson investigators, employed for at least two years, that a heart condition that leads to disablement arose out of the person's employment. This statute also creates an affirmative defense when a doctor orders the employee to correct predisposing conditions, that are within the employee's ability to control, and the employee actually corrects the predisposing conditions.

35. *Clark Cnty. School Dist. v. Dist. Ct.*, 141 Nev., Adv. Op. 11 (Mar. 6, 2025) (Justices Herndon, Bell, and Lee) – Family Education Rights and Privacy Act (FERPA); discovery.

The Court addressed the issue of whether emails stored in a school district's database but not placed in a student's permanent file qualify as "education records" under FERPA. The district court ordered Clark County School District ("CCSD") to comply with a request for education records under FERPA by producing all emails stored in a cloud-based electronic database that referenced a certain student. The Court agreed that the requested emails are "maintained" by the school district because they are electronically stored in the school district's database. However, because CCSD failed to identify or produce any emails, the district court erred in determining that the emails "directly related" to the student because the district court first had to assess the content of the emails.

36. *Golden Gate/S.E.T. Retail of Nev., LLC v. Modern Welding Co. of California, Inc.*, 141 Nev., Adv. Op. 12 (Mar. 6, 2025) (Justices Herndon, Bell, and Lee) – Uniform Commercial Code (UCC); discovery tolling.

The Court contemplated the issue of whether a claim for breach of implied warranty under the UCC (codified in NRS Chapter 104), is subject to discovery tolling. The Court acknowledged that the discovery rule applies to some contract actions to toll the applicable statutes of limitations, when the operative statute is silent as to when such a cause of action accrues. However, NRS 104.2725(2) specifically states that a "cause of action accrues when the breach occurs, regardless of the aggrieved party's lack of knowledge of the breach." Since this statute is not silent as to when a cause of action accrues, the Court did not apply the discovery rule to the statute. The Court also upheld an award of attorney fees based upon an offer of judgment, even though the district court determined that the *Beattie* factors were evenly split.

37. *MMV Invs. LLC v. Dribble Dunk, LLC*, 141 Nev., Adv. Op. 13 (Mar. 13, 2025) (Justices Herndon, Bell, and Stiglich) – Statutes of limitations; waiver.

In a case involving a personal guaranty of several loans, the Court reversed the district court's determination that the breach of guaranty was time-barred because the applicable statute of limitations had

expired. The Court enforced the contractual language within the guaranty that expressly waived any statute of limitations defense. The Court ultimately held that Nevada law permits a defense based on statutes of limitations to be waived, including when it is not raised.

38. *R.J. Reynolds Tobacco Co. v. Geist*, 141 Nev., Adv. Op. 14 (Mar. 20, 2025) (Justices Herndon, Bell, and Lee) – Appellate jurisdiction; sanctions.

The Court examined its own appellate jurisdiction to entertain an appeal from an interlocutory order granting sanctions for misconduct under NRS 18.070(2). The Court acknowledged that no statute or court rule authorizes an appeal from an interlocutory district court order imposing sanctions. However, the Court clarified the statement "[a] sanctions order is final and appealable" from *Mona v. Dist. Ct.*, 132 Nev. 719, 724, 380 P.3d 836, 840 (2016). This statement must be taken in context of the procedural posture of *Mona*, where the sanctions order was filed after a final judgment. An interlocutory order granting sanctions is not appealable unless it is considered in the context of an appeal from a final judgment.