

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUSAN SHALOV, AS SPECIAL
ADMINISTRATOR OF THE ESTATE
OF CHARLES SHALOV AND SUSAN
SHALOV,
Appellant,

vs.

SUNRISE MOUNTAIN VIEW
HOSPITAL, INC.; CARDIOVASCULAR
CONSULTANTS OF NEVADA, LLP;
ROBERT A. SHIROFF, M.D.; AND
STEPHEN V. SAVARAN, M.D.,
Respondents.

No. 51455

FILED

MAY 08 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

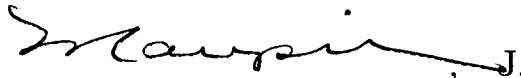
This is a proper person appeal from a district court order dismissing appellant's case and denying appellant's motion for a new trial date. Eighth Judicial District Court, Clark County; J. Charles Thompson, Judge; Norman C. Robison, Judge.

Notice of entry of the district court's January 4, 2008 order was served on appellant by respondent's counsel via U.S. mail on January 9, 2008. Because service of the notice of entry was by mail, appellant had 33 days from the date of service to file her notice of appeal.¹ Appellant's notice of appeal was therefore due to be filed in the district court on or before February 11, 2008. Appellant filed her notice of appeal on April 14, 2008, over two months after the 33-day period for filing her notice of appeal had run. We recognize that appellant filed a motion for

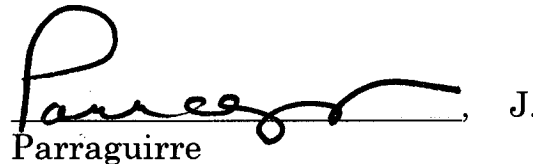
¹See NRAP 4(a)(1); NRAP 26(c).

reconsideration, which the district court denied on March 28, 2008. However, a motion for reconsideration does not toll the time in which an appeal from the final judgment must be taken,² nor is an order denying a motion for reconsideration substantively appealable.³ Therefore, appellant's notice of appeal was untimely filed and we lack jurisdiction to consider this appeal.⁴ Accordingly, we

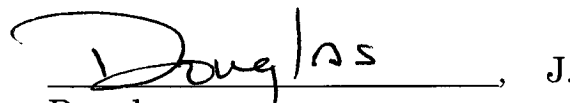
ORDER this appeal DISMISSED.⁵

 J.

Maupin

 J.

Parraguirre

 J.

Douglas

²NRAP 4(a)(4) (listing the specific motions that toll the time to appeal).

³See Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).

⁴See Healy v. Volkswagenwerk, 103 Nev. 329, 741 P.2d 432 (1987) (noting that an untimely notice of appeal fails to vest jurisdiction in this court).

⁵In light of this order appellant need not file the transcript request form and the civil proper person appeal statement mailed to her on April 17, 2008.

cc: Chief Judge, Eighth Judicial District
Hon. Norman C. Robison, Senior Judge
Susan Shalov
Hall, Prangle & Schoonveld, LLC/Las Vegas
Eighth District Court Clerk