

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TAHA ABOURAMADAN,
Appellant,
vs.
MANDALAY RESORT GROUP, INC.;
MGM RESORTS INTERNATIONAL;
AND RANDALL MANN,
Respondents.

No. 72320

FILED

AUG 02 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

Taha Abouramadan appeals from a judgment entered against him in a tort action. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

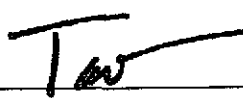
This matter was subject to court annexed arbitration and the district court entered an order adopting the arbitrator's report and recommendation to dismiss the complaint. Thereafter, Abouramadan filed a motion for reconsideration and respondents filed an application for attorney fees and costs. The district court later denied reconsideration and awarded respondents attorney fees and costs. Notice of entry of that order was served on Abouramadan via United States mail on December 21, 2016. On January 3, 2017, the district court entered judgment against Abouramadan for the total amount of fees and costs previously awarded by order and notice of entry was served that same day via United States mail.


"When district courts, after entering an appealable order, go on to enter a judgment on the same issue, the judgment is superfluous." *Campos-Garcia v. Johnson*, 130 Nev. 610, 612, 331 P.3d 890, 891 (2014). As the judgment entered here did not alter the rights and obligations set forth

in the prior order denying reconsideration and awarding fees and costs, it was superfluous and cannot be appealed.¹ *Id.* Therefore, Abouramadan's time to appeal began to run when notice of entry of the order denying his motion for reconsideration and awarding respondents attorney fees and costs was served on December 21, 2016. As a result, Abouramadan was required to file his notice of appeal no later than January 23, 2017. *See* NRAP 4(a)(1); NRAP 26(a), (c). Abouramadan filed his notice of appeal on January 31, 2017, after his time to do so expired. Since the notice of appeal was therefore untimely, we lack jurisdiction to consider the appeal. *See Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (noting that an untimely notice of appeal fails to vest jurisdiction in an appellate court). Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

¹We note that while the judgment included post-judgment interest and the prior order did not, it was unnecessary to do so as post-judgment interest was already provided for by statute. *See* NRS 17.130. Thus, this inclusion did not alter the rights or obligations of the parties set forth in the prior order.

cc: Hon. Nancy L. Alf, District Judge
Taha Abouramadan
Christian, Kravitz, Dichter, Johnson & Sluga
Eighth District Court Clerk