

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY LEWIS; AND CHEYENNE
NALDER,

Appellants,

vs.

UNITED AUTOMOBILE INSURANCE
COMPANY,

Respondent.

No. 83881

FILED

JAN 19 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

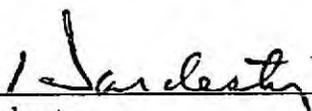
This is an appeal from a district court order on motion to retax costs. Eighth Judicial District Court, Clark County; Veronica Barisich, Judge.

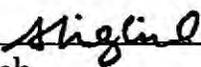
Respondent has filed a motion to dismiss, arguing that the notices of appeal filed by appellants Gary Lewis and Cheyenne Nalder are untimely. Lewis and Nalder oppose the motion to dismiss.

Notice of entry of the order challenged on appeal was served electronically on October 27, 2021. Accordingly, the last day to file the notice of appeal in the district court was November 29, 2021. See NRAP 4(a)(1); NRCP 6(a)(1)(C); NRCP 6(a)(4)(A). However, Lewis did not file his notice of appeal in the district court until November 30, 2021. In his opposition to the motion to dismiss, counsel for Lewis concedes that the notice of appeal was untimely, but argues that a totality of circumstances, including issues related to staffing, the pandemic, and caseload should excuse the late filing. Unfortunately for Lewis, with limited exceptions not applicable here, this court may not extend the time to file a notice of appeal. NRAP 26(b)(1)(A).

Nalder filed her notice of appeal in the district court on December 13, 2021, pursuant to NRAP 4(a)(2) ("If one party timely files a notice of appeal, any other party may file and serve a notice of appeal within 14 days after the date when the first notice was served . . ."). As previously stated, Lewis's notice of appeal is untimely. Thus, Nalder's notice of appeal is untimely under both NRAP 4(a)(1) and NRAP 4(a)(2). An untimely notice of appeal fails to vest jurisdiction in this court. *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 741 P.2d 432 (1987). Accordingly, respondent's motion to dismiss is granted, and this court

ORDERS this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. Veronica Barisich, District Judge
Stephens Law Offices
Christensen Law Offices, LLC
Lewis Roca Rothgerber Christie LLP/Las Vegas
Winner Booze & Zarcone
Eighth District Court Clerk