

IN THE SUPREME COURT OF THE STATE OF NEVADA

LOUISE COX,
Appellant,
vs.
TREVOR HALL AND CHARLES
WALLACE, EXECUTORS OF THE
ESTATE OF ALAN ARNOLD,
Respondent.

No. 84987

FILED

AUG 22 2022

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

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a motion for reconsideration. Eighth Judicial District Court, Family Court Division, Clark County; Rebecca Burton, Judge.

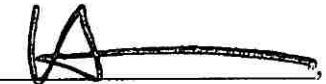
Review of the notice of appeal reveals a jurisdictional defect. An order denying a motion for reconsideration is not substantively appealable. *Arnold v. Kip*, 123 Nev. 410, 417, 168 P.3d 1050, 1054 (2007) (“[A]n order denying reconsideration is not appealable.”), *disapproved of on other grounds by AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010). To the extent the notice of appeal is construed as an appeal from the underlying findings of fact, conclusions of law, and order, *see Uniroyal Goodrich Tire Co. v. Mercer*, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995), the notice of appeal was untimely filed. Appellant’s motion for reconsideration tolled the time to file the notice of appeal from the findings of fact, conclusions of law, and order until 30 days after service of notice of entry of the order denying the motion for reconsideration. *See* NRAP 4(a)(4) (regarding tolling motions); *AA Primo Builders LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (describing when a post-judgment motion carries tolling effect). The certificate of service attached to the notice of entry of the order denying the motion for

reconsideration states that that document was electronically served on appellant on May 23, 2022. Therefore, the notice of appeal was due to be filed in the district court by June 22, 2022. See NRAP 4(a)(1). However, the notice of appeal was not filed in the district court until June 24, 2022.¹ This court lacks jurisdiction to consider an untimely filed notice of appeal. *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 330, 741 P.2d 432, 432 (1987). Accordingly, this court

ORDERS this appeal DISMISSED.


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cc: Hon. Rebecca Burton, District Judge, Family Court Division
Louise Cox
Law Office of Daniel Marks
Eighth District Court Clerk

¹Appellant mistakenly filed the notice of appeal in this court rather than the district court. Pursuant to NRAP 4(e), the notice of appeal is deemed filed in the district court on the date it was received in this court, June 24, 2022.