

IN THE SUPREME COURT OF THE STATE OF NEVADA

SLS PROPERTIES THREE, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,
Appellant,
vs.
RENZI TOWERS, LLC, A LIMITED
LIABILITY COMPANY; PASQUALE
RENZI; LAURA K. RENZI; AND RENZO
RENZI,
Respondents.

No. 86486

FILED

OCT 13 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion for declaratory relief and from a district court order denying a motion to alter or amend and for reconsideration. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.

When review of the amended docketing statement and documents before this court revealed potential jurisdictional defects, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

First, it appeared that the notice of appeal was untimely filed with respect to the order granting declaratory relief. The order was entered on December 7, 2022, and notice of entry of that order was electronically served that same date. But the notice of appeal was not filed in the district court until April 27, 2023, long after expiration of the 30-day appeal period

set forth in NRAP 4(a)(1). Although appellant suggested that the time to file the notice of appeal was tolled by the timely filing of a motion for relief pursuant to NRCP 59, this court explained that it did not appear a timely tolling motion was filed in this matter. Any motion for relief under NRCP 59 was due to be filed in the district court by January 4, 2023. *See* NRCP 59(b), (e). Appellant untimely filed the motion for NRCP 59 relief on January 5, 2023. An untimely-filed motion for NRCP 59 relief does not toll the time to file the notice of appeal. *See* NRAP 4(a)(4); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010).

In response, appellant agrees that the deadline to file a motion for relief under NRCP 59 was January 4, 2023, and that its motion to alter or amend was not filed until January 5, 2023. Appellant contends, however, that the district court effectively extended the time to file the motion pursuant to its inherent authority where the court asked appellant to explain how the motion was timely filed, did not find that the motion was untimely, and resolved the motion on its merits. The notice of appeal, he argues, was timely filed after the tolling motion was denied. We disagree.

Although the district court ruled on appellant's motion on its merits, the court did not purport to extend the time to file the motion or conclude that it was timely filed. As appellant acknowledges, the district court lacked authority to extend the time to file the motion under NRCP 6(b). *See* NRCP 59(f) (providing that the time-limitations specified in NRCP 59 cannot be extended pursuant to NRCP 6(b)). And appellant does not provide cogent argument in support of his assertion that the district court can grant an extension of time pursuant to its inherent authority where such an extension is barred by rule. Under these circumstances, appellant fails to demonstrate that the motion for relief under NRCP 59 was timely

filed and thus tolled the time to file the notice of appeal. Accordingly, appellant fails to demonstrate that the notice of appeal was timely filed with respect to the order granting motion for declaratory relief.

Appellant contends that the order denying the motion to alter or amend and for reconsideration is appealable as a special order after final judgment. *See* NRAP 3A(b)(8). Appellant’s argument in this respect is unclear—appellant seems to argue that the order affects appellant’s rights as adjudicated in the underlying final judgment or the order granting declaratory relief because the order clarified that the court had held certain judgments “void” as opposed to “expired” in its December 7, 2022, order.


Appellant’s contention lacks merit. The order denying appellant’s motion to alter or amend did not clarify the court’s ruling in its December 7, 2022, order. To the contrary, in its order denying the motion to alter or amend, the district court expressly concluded that the December 7, 2022, order “requires no clarification regarding the word ‘void.’” The district court’s December 7, 2022, order clearly concludes that the judgments are void and the order denying the motion to alter or amend does not disturb or revise that conclusion in any way.¹

This court lacks jurisdiction to consider the untimely notice of appeal from the order granting a motion for declaratory relief, *see Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 330, 741 P.2d 432, 432 (1987), and the district court’s order denying the motion to alter or amend

¹The December 7, 2022, order declaring the judgments void was appealable as a special order after final judgment. *See Gumm v. Mainor*, 118 Nev. 912, 914, 59 P.3d 1220, 1221 (2002) (defining an appealable special order after final judgment). But, as discussed above, appellant did not timely appeal from that order.

and for reconsideration is not substantively appealable, see *Uniroyal Goodrich Tire Co.*, 111 Nev. at 320, 890 P.2d at 787. Accordingly, we
ORDER this appeal DISMISSED.²


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Hon. Joanna Kishner, District Judge
Law Office of Joseph P. Reiff
Benjamin B. Childs
Eighth District Court Clerk

²Given this dismissal, respondent Laura Renzi's motion to dismiss this appeal is denied as moot.