

IN THE SUPREME COURT OF THE STATE OF NEVADA

HICKS UNIQUE BUILDING
COMPANY, A NEVADA
CORPORATION; TIMOTHY VANCE
HICKS, AN INDIVIDUAL; AND
SHARON D. HICKS, AN INDIVIDUAL,
Appellants,

vs.

UNITED CASUALTY AND SURETY
INSURANCE COMPANY, A
MASSACHUSETTS CORPORATION;
CATCH A FADE BARBER SHOP, A
NEVADA ENTITY OF UNKNOWN
CORPORATE ORIGIN; AND JARMEUL
PEARSON, AN INDIVIDUAL,
Respondents.

No. 86867

FILED

DEC 11 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a final judgment entered in an indemnification and breach of contract action. Eighth Judicial District Court, Clark County; J. Charles Thompson, Judge.

Respondent United Casualty and Surety Insurance Company (United) has filed a motion to dismiss this appeal for lack of jurisdiction. Respondents Catch a Fade Barber Shop and Jarneul Pearson (Catch a Fade) join the motion.¹ Appellants have not filed an opposition to the motion to dismiss.

¹United has also filed a motion for judicial notice of several documents, which Catch a Fade joins. The motion and joinder are denied as unnecessary because the documents United seeks judicial notice of are already properly before this court as attachments to appellants' docketing statement and part of the documents transmitted to this court with the notice of appeal. See NRAP 3(g)(1)(A); NRAP 14.

United asserts the notice of appeal was untimely filed. We agree. Notice of entry of the February 13, 2023, final judgment was served on appellants on February 13, 2023. Appellants filed a timely tolling motion to alter or amend the final judgment on February 17, 2023. See NRAP 4(a)(4). The tolling motion was denied in a written order entered on May 22, 2023, and notice of entry of the order was electronically served on appellants that same day. Appellants had 30 days thereafter, until June 21, 2023, to file the notice of appeal in the district court. See NRAP 4(a)(1), (4) (together providing that the notice of appeal must be filed in the district court within 30 days after the date of service of written notice of entry of the order disposing of the last remaining timely-filed tolling motion). Appellants untimely filed the notice of appeal in the district court on June 22, 2023, after expiration of the time to file the notice of appeal. 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 grants the motion to dismiss and

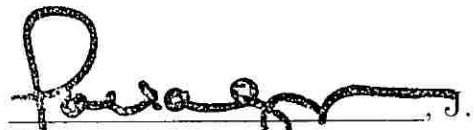
ORDERS this appeal DISMISSED.


_____, J.

Herndon


_____, J.

Lee


_____, J.

Parraguirre

cc: Chief Judge, The Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Paul M. Haire, Settlement Judge
The Law Office of Dan M. Winder, P.C.
Jennings & Fulton, Ltd.
Law Offices of David R. Johnson, PLLC
Lanak & Hanna, P.C.
Eighth District Court Clerk