

IN THE SUPREME COURT OF THE STATE OF NEVADA

JORDAN ZITO,
Appellant,
vs.
EMPLOYMENT SECURITY DIVISION,
STATE OF NEVADA,
Respondent.

No. 90590

FILED

JUN 30 2025

ELIZABETH A. BIRD
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a November 15, 2023, district court order dismissing petition for judicial review, a June 3, 2023, interlocutory order exempting case from court-annexed arbitration, an August 25, 2023, order dismissing appeal to state supreme court, and an April 29, 2025, order for return of jury fees. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Respondent has filed a motion to dismiss this appeal for lack of jurisdiction, pointing out that appellant's notice of appeal is untimely as to the order dismissing petition for judicial review and asserting that the other orders identified in the notices of appeal are not substantively and independently appealable. Appellant has filed an opposition to the dismissal motion.

Per NRAP 4(a)(1), notices of appeal must be filed within 30 days of service of the appealed order's notice of entry. *See also* NRAP 26(c) (adding 3 days to the appeal period when service is made by mail). This court lacks jurisdiction to consider an untimely appeal. *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 741 P.2d 432 (1987). Notice of entry of the order dismissing petition for judicial review, which constituted the final judgment in the district court case regardless of

whether appellant filed a petition for judicial review or a complaint, was served by mail on November 15, 2023. Appellant's notice of appeal was not filed in the district court until May 5, 2025, well after the appeal period expired. And no statute or court rule provides for an appeal from the other orders identified in the notices of appeal, including NRAP 3A(b)(8) (allowing for appeals from special orders after final judgment). *See Gumm v. Mainor*, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002) ("A special order made after final judgment, to be appealable under NRAP 3A(b)(2), must be an order affecting the rights of some party to the action, growing out of the judgment previously entered. It must be an order affecting rights incorporated in the judgment."); *Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (explaining that this court has jurisdiction only when a statute or court rule provides for an appeal). Moreover, appellant is not aggrieved by the order returning the jury fees to him. NRAP 3A(a); *Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) (defining "aggrieved"). Accordingly, this court lacks jurisdiction, and we thus grant the motion and

ORDER this appeal DISMISSED.¹

Pickering, J.
Pickering

Cadish, J.
Cadish

Lee, J.
Lee

¹Appellant's June 2, 2025, motion for leave to file the docketing statement without attaching the documents requested under Question 28 is granted; the clerk of this court shall file the docketing statement provisionally received on June 2, 2025.

cc: Hon. David A. Hardy, District Judge
Jordan Christopher Zito
State of Nevada/DETR - Carson City
Washoe District Court Clerk