

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID COHEN, AS GUARDIAN AD
LITEM OF MIRIAM COHEN, AN
INCOMPETENT ADULT,

Appellant,

vs.


INTEGRATED HEALTH SERVICES AT
SILVERCREST, INC., D/B/A
INTEGRATED HEALTH SERVICES OF
LAS VEGAS,

Respondent.

No. 44923

FILED

FEB 02 2006

JANETTE M BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion for summary judgment and dismissing appellant's complaint. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.


Counsel for appellant has filed a "Suggestion of Death Upon the Record," informing this court of the death of Miriam Cohen. Further, counsel represents that Virginia Stahly has been appointed as special administratrix of the estate of decedent. Counsel requests that the caption in this appeal be modified accordingly. Cause appearing, we grant that request. Accordingly, the clerk of this court shall modify the caption by substituting "Virginia Stahly, as Special Administratrix of the Estate of Miriam Cohen, Deceased," in the place of "David Cohen, as Guardian Ad Litem of Miriam Cohen, an Incompetent Adult," as the appellant in this appeal.

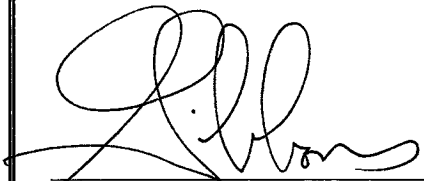
When our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) and the docketing statement revealed a potential jurisdictional defect, we directed appellant to show cause why

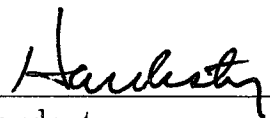
this appeal should not be dismissed. Specifically, it appeared that the notice of appeal was not timely filed. See NRAP 4(a)(1) and NRAP 26(c).

In response, appellant concedes that a “counting error . . . resulted in the Notice of Appeal being filed the day after the end of the period prescribed in NRAP 4(a).” Accordingly, as this court lacks jurisdiction over this appeal, we dismiss this appeal.

It is so ORDERED.


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Ara H. Shirinian, Settlement Judge
Burris, Thomas & Springberg
Stephenson & Dickinson
Clark County Clerk