

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMANDA N. WELLS, A/K/A AMANDA  
STANEK,  
Appellant,  
vs.  
DAVID J. WELLS,  
Respondent.

No. 46953

**FILED**

MAY 19 2006

ANETHA BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER DISMISSING APPEAL

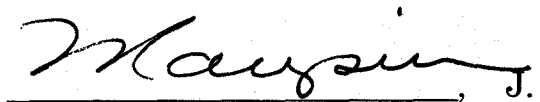
This is a proper person appeal from the district court's February 1, 2006 findings and order. Eighth Judicial District Court, Family Court Division, Clark County; Lisa Brown, Judge.

Notice of entry of the district court's February 1 order was served on appellant by respondent's counsel via U.S. mail on February 9, 2006. On February 13, 2006, appellant's former attorney served a second notice of entry for the February 1 order by mail. Although the notice of appeal was timely as to the second notice of entry sent out by counsel for appellant, it was not timely as to the first notice of entry. We conclude that the first notice of entry served by counsel for respondent, rather than the second notice of entry served by appellant's former counsel, commenced the running of the time for filing the notice of appeal.<sup>1</sup>

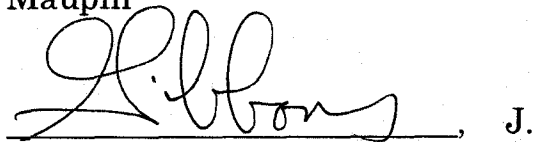
<sup>1</sup>See Healy v. Volkswagenwerk, 103 Nev. 329, 741 P.2d 432 (1987) (holding that, where multiple notices of entry were filed and each notice of entry was filed by a different party, the first notice of entry started the time for filing an appeal under NRAP 4(a)); Ross v. Giacomo, 97 Nev. 550, 635 P.2d 298 (1981) (stating that a party that creates confusion as to when the time for filing a notice of appeal starts cannot benefit from that confusion).

Because service of the notice of entry was by mail, appellant had 33 days from the date of service to file her notice of appeal.<sup>2</sup> Appellant's notice of appeal was therefore due to be filed in the district court on or before March 14, 2006. Appellant filed her notice of appeal on March 15, 2006, one day after the 33 day period for filing her notice of appeal had run. Since appellant's notice of appeal was untimely filed, we lack jurisdiction to consider this appeal. Accordingly, we

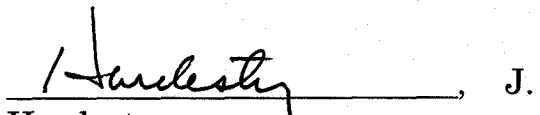
ORDER this appeal DISMISSED.



Maupin



Gibbons



Hardesty

cc: Hon. Lisa Brown, District Judge, Family Court Division  
Amanda Stanek  
Flangas McMillan Law Group, Inc.  
Clark County Clerk

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<sup>2</sup>See NRAP 4(a)(1); NRAP 26(c).