

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALVIN R. PADEN AND BETTY BURNS
PADEN,
Appellants,
vs.
DIAMOND RESORTS
INTERNATIONAL, LLC; RICHARD
CLOOBECK, AGENT; AND DONALD
NEWSOM, AGENT,
Respondents.

No. 47159

FILED

SEP 06 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from district court orders denying motions for reconsideration of, or to strike, a summary judgment, and a countermotion to show cause. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Our review of the documents transmitted to this court in this appeal reveals a jurisdictional defect. Appellants' notice of appeal was filed on April 19, 2006, following the district court's March 22, 2006 order denying appellants' motion for reconsideration. According to the March 22 order, appellants' previous motion to reconsider and/or strike the summary judgment was denied on January 4, 2006. An order denying appellants' motion to strike and counter-motion to show cause was previously entered on November 23, 2005. Appellants appeal from the November, January, and March orders.

"NRAP 3A(b) designates the judgments and orders from which an appeal may be taken, and where no statutory authority to appeal is



granted, no right exists.”¹ No appeal can be taken from an order denying rehearing or reconsideration of a judgment, a motion to strike, or a motion for show cause.² Consequently, this court has no jurisdiction over the orders designated in appellants’ notice of appeal.

Additionally, NRAP 4(a)(1) specifies that a notice of appeal must be filed “no later than 30 days after the date that written notice of entry of the judgment or order appealed from is served.” A motion for rehearing or reconsideration does not toll the time for filing a notice of appeal.³ Here, it appears that the final judgment was entered on September 7, 2005, when the district court granted summary judgment in favor of respondents on all claims and denied all pending motions. Notice of entry of the district court’s summary judgment was served by mail on September 8, 2005, thus requiring any notice of appeal to be filed no later than October 11, 2005.⁴ As appellants’ notice of appeal was not filed until April 19, 2006, to the extent they challenge the final judgment, the notice

¹Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 25, 530 P.2d 756, 756-57 (1975).

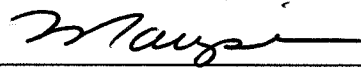
²See Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).


³Id.

⁴NRAP 4(a)(1); NRAP 26(c) (providing three extra days when service was made by mail).

was untimely, and this court lacks jurisdiction to consider this appeal. Accordingly, we dismiss this appeal.⁵

It is so ORDERED.


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Alvin R. Paden
Betty Burns Paden
Lionel Sawyer & Collins/Las Vegas
Clark County Clerk

⁵We further note that appellants' failure to file a civil proper person statement and to pay the filing fee or otherwise comply with NRAP 24(a) constitute independent bases for dismissing this appeal. See ADKT No. 385 (Order Establishing Pilot Program in Civil Appeals, June 10, 2005) Exhibit A (Instructions for Civil Litigants Without Attorneys). See also ADKT No. 385 (Order Extending Pilot Program for Civil Proper Person Appeals, May 10, 2006) (extending indefinitely the pilot program for civil appeals, which was scheduled to conclude on June 13, 2006, until further order of this court).