

IN THE SUPREME COURT OF THE STATE OF NEVADA

DDL LIFELIKE BOTANICALS, INC.,  
D/B/A LAS VEGAS EVENT FLOWERS  
& DECOR, A NEVADA DOMESTIC  
CORPORATION,  
Appellant,

vs.

GALE MARIE NEELEY-HANNIGAN,  
AN INDIVIDUAL AND D-ZIGN  
EVENTS, AN UNKNOWN BUSINESS  
ENTITY,  
Respondents.

No. 48129

**FILED**

**MAR 02 2007**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellant's motion for a preliminary injunction. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

Our preliminary review of this appeal revealed a potential jurisdictional defect. Specifically, it appeared that the notice of appeal may have been untimely filed. The district court entered its order denying appellant's motion for a preliminary injunction on June 12, 2006. Appellant was served with written notice of entry of the district court order on June 15, 2006. On July 3, 2006, appellant filed a motion for relief from the district court order pursuant to NRCP 60(a) and a motion for reconsideration. Motions made pursuant to NRCP 60 and motions for reconsideration, however, do not toll the time for filing a notice of appeal.<sup>1</sup> Appellant did not file its notice of appeal until September 25, 2006, well


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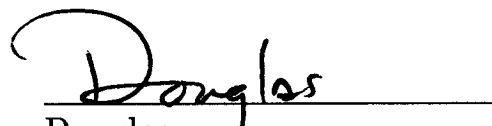
<sup>1</sup>See NRAP 4(a)(4).

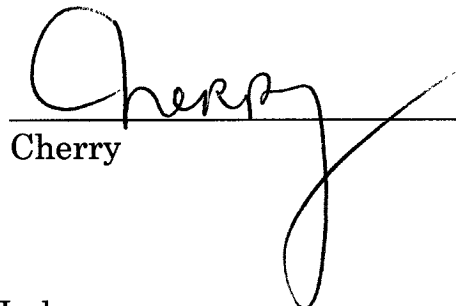
after the 30-day appeal period prescribed by NRAP 4(a)(1).<sup>2</sup> An untimely notice of appeal fails to vest jurisdiction in this court.<sup>3</sup> Therefore, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

Appellant's response to the order to show cause was due in this court on February 20, 2007. Appellant, however, has not responded to this court's order. Therefore, because appellant's notice of appeal was untimely filed, we conclude that this court does not have jurisdiction to entertain this appeal. Accordingly, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Lee A. Gates, District Judge  
Thomas J. Tanksley, Settlement Judge  
Sylvester & Polednak, Ltd.  
Adams & Rocheleau, LLC  
Eighth District Court Clerk

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<sup>2</sup>See NRAP 26(c).

<sup>3</sup>See NRAP 4(a)(1); Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).