

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN G. TRAPP,
Appellant,

vs.

THE PLAYERS NETWORK, INC., A
NEVADA CORPORATION; AND MARK
BRADLEY, A/K/A MARK BRADLEY
FELDGREBER, PRESIDENT,
DIRECTOR,
Respondents.

No. 48792

FILED

MAY 29 2007

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

ORDER DISMISSING APPEAL

This proper person appeal challenges district court orders setting aside a default judgment, granting respondents' motion for judgment on the pleadings, and denying appellant's post-judgment motion for leave to amend his complaint. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

Our review of the documents transmitted to this court under NRAP 3(e) reveals that appellant's notice of appeal is untimely, requiring this appeal's dismissal. In particular, NRAP 4(a)(1) requires a notice of appeal to be filed within thirty days of a final judgment's notice of entry. NRAP 26(c) provides for three additional days when service is accomplished by mail. Here, the district court entered the final judgment in this case—granting respondents' motion for judgment on the

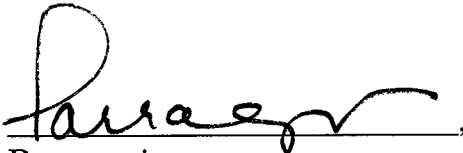
pleadings—on November 7, 2006, and appellant was served, by mail, with written notice of the judgment’s entry on that same day.¹ Appellant’s notice of appeal was filed in the district court on January 18, 2007, more than 33 days after he was served with written notice of the judgment’s entry. Although appellant later filed a motion for leave to amend his complaint, appellant’s motion did not toll the time for filing his notice of appeal from the district court’s final November 7 judgment.²

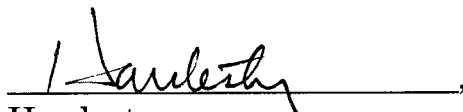
¹See Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment for purposes of NRAP 3A(b)(1) as a judgment or order that “disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney[] fees and costs”). Here, the November 7 judgment in favor of respondents resolved all of appellant’s claims and left nothing for the court’s future consideration and, consistent with our definition in Lee, was final and appealable.

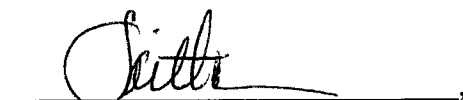
²See NRAP 4(a)(4) (listing motions that toll the time for filing a notice of appeal). To the extent that appellant seeks to challenge the court’s post-judgment order denying his motion for leave to amend his complaint, that order is not independently appealable as a special order made after final judgment. See NRAP 3A(b)(2); Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002) (explaining that a special order after final judgment is appealable if it affects the rights of a party growing out of the final judgment).

Because appellant filed his notice of appeal more than 33 days after he was served with written notice of the final judgment's entry, we dismiss this appeal as untimely.³

It is so ORDERED.⁴


Parraguirre J.


Hardesty J.


Saitta J.

³See NRAP 4(a)(1); Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983) (noting that an untimely notice of appeal fails to vest jurisdiction in this court). To the extent that appellant seeks to challenge the court's order setting aside the default judgment, that order is not independently appealable. See NRAP 3A(b)(2).

⁴Appellant's failure to pay the filing fee, as required under NRAP 3(f), or to properly obtain in forma pauperis status, as set forth under NRAP 24(a), constitutes independent grounds for dismissing this appeal.

Appellant's March 1, 2007 request for transcripts and his April 19, 2007 motion for an extension of time to file an opening brief are denied as moot.

cc: Hon. Kenneth C. Cory, District Judge
Steven G. Trapp
Goodman Brown & Premsrirut
Eighth District Court Clerk