

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES BANKS,
Appellant,
vs.
CHRISTOPHER DAVID FULTON AND
MICHAEL FULTON,
Respondents.

No. 49229

FILED

DEC 06 2007

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

ORDER DISMISSING APPEAL

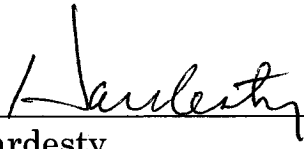
This is a proper person appeal from a district court order entering judgment on an arbitration award. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

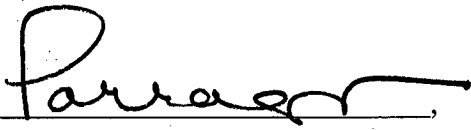
Our review of this appeal reveals a jurisdictional defect. NAR 18(A) requires that a party's request for trial de novo be filed within thirty days after the arbitration award is served on the parties. NAR 18(B) explains that this thirty-day filing deadline is jurisdictional and that "an untimely request for trial de novo shall not be considered by the district court." Appellant was served with the arbitration award on January 18, 2007. Any request by appellant for a trial de novo would have to have been filed by February 19, 2007. Therefore, appellant's request for a trial de novo filed on March 27, 2007, was untimely.

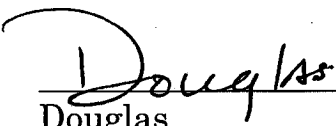
Under NAR 19(A), when no timely trial de novo request is filed, the district court must enter judgment in accordance with the arbitration award. Under NAR 19(B), however, the court's judgment is not appealable. Since appellant's failure to timely file a trial de novo

request precludes his appeal from the judgment,¹ we lack jurisdiction to consider this appeal and dismiss it.

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Jackie Glass, District Judge
James Banks
Delanoy Schuetze & McGaha, P.C.
Eighth District Court Clerk

¹Although extraordinary writ relief is not available when an otherwise adequate and speedy legal remedy exists, see, e.g., NRS 34.170; NRS 34.330, appellant may be able to challenge the district court's judgment and, more specifically, the factual issues regarding his purported acceptance of respondents' offer of judgment and request to continue the arbitration hearing in the context of a writ petition filed in the district court. See, e.g., Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (explaining that when factual issues are presented, a writ should be sought in district court).