

IN THE SUPREME COURT OF THE STATE OF NEVADA

OMEGA WEST CORPORATION,  
Appellant,

vs.


STATE OF NEVADA, DEPARTMENT  
OF EMPLOYMENT, TRAINING, &  
REHABILITATION, EMPLOYMENT  
SECURITY DIVISION,

Respondent.

No. 51526

**FILED**

JAN 22 2009

TRACEE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment entered by the district court clerk in an unemployment compensation matter. See NRS 612.630(3) and 612.640.

Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect. Specifically, it appeared that the notice of appeal may have been untimely filed. An untimely notice of appeal fails to vest jurisdiction in this court. See NRAP 3(a); Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).

Appellant has filed a response to the order to show cause, wherein it contends that the notice of appeal was timely filed pursuant to NRS 612.640, which provides authority for appeal to this court from matters regarding unemployment compensation.<sup>1</sup> Specifically, appellant

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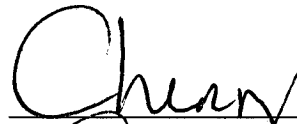
<sup>1</sup>NRS 612.640 states the following: "Appeals may be taken to the Supreme Court from the judgment of the district court in the same manner and with the same effect as in other civil cases, except that notice


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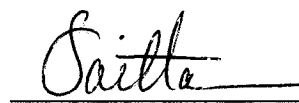
seems to contend that its notice of appeal, filed in district court on April 24, 2008, was timely as it was filed 56 days after service of notice of entry of judgment on February 28, 2008.<sup>2</sup>

Appellant's contentions lack merit. NRS 612.640 provides that the notice of appeal must be served and filed within 60 days from the *entry of judgment*, not service of notice of entry of judgment as contended by appellant. Here, the judgment appealed from was entered on February 14, 2008. Thus, appellant's notice of appeal was required to have been filed in the district court by April 14, 2008, at the latest. See NRAP 26(a) (computation of time). As appellant's notice of appeal was filed on April 24, 2008, it was untimely filed. This court therefore lacks jurisdiction over this appeal. Accordingly, this appeal is dismissed.

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Saitta

... *continued*

of appeal must be served and filed within 60 days from the entry of judgment.”

<sup>2</sup>Appellant's response incorrectly states that entry of judgment was made on February 28, 2008.

cc: Hon. Jackie Glass, District Judge  
Lester H. Berkson, Settlement Judge  
Law Offices of Donn M. Ianuzi  
J. Thomas Susich  
Eighth District Court Clerk