

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT ZABKA AND DEBRA ZABKA,
Appellants,
vs.
CURO FUNDS L.P. AND CURO
MANAGEMENT, LLC,
Respondents.

No. 51834

FILED

SEP 03 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order granting a motion to stay enforcement of a foreign judgment. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez and Kathy A. Hardcastle, Judges.

Our review of the documents transmitted to this court pursuant to NRAP 3(e) reveals jurisdictional defects. Specifically, although the filing of specific motions may toll the 30-day appeal period, a motion for rehearing does not toll the time period for filing a notice of appeal.¹ And a notice of appeal must be filed no later than 30 days after written notice of the challenged order's entry is served.² Three days are added to this period if service is by mail.³

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

²NRAP 4(a)(1).

³NRAP 26(c).

Here, appellants Robert and Debra Zabka seek to appeal from district court orders denying their two motions for rehearing of the district court's February 5, 2008, order granting the receiver's motion to approve, modify, or reject claimants' proofs of claim, confirm interim disbursement, and for fees and costs of the receiver and his professionals. This court, however, lacks jurisdiction to consider this appeal because no appeal lies from an order denying such motions and a motion for rehearing does not toll the time period for filing a notice of appeal.⁴ Thus, to the extent that the Zabkas seek to appeal from the district court's February 5, 2008, order, the Zabkas' June 6, 2008, notice of appeal was untimely filed.⁵

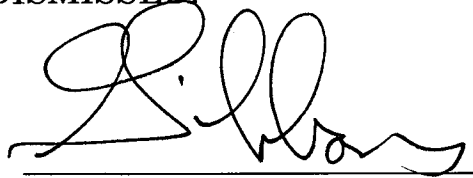
Additionally, although the Zabkas filed a notice of appeal within 30 days of receiving written notice of the district court's order granting a stay of the Zabkas' foreign judgment and constructive trust, no appeal is available from a district court order granting or denying a stay of the proceedings.⁶

⁴See NRAP 4(a)(4); Alvis, 99 Nev. 184, 660 P.2d 980.

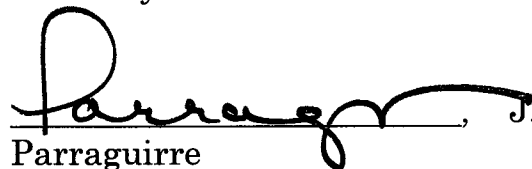
⁵To the extent that the Zabkas seek to appeal from the district court's previous orders granting payment of fees and costs to the receiver and his professionals and the district court order appointing a receiver, their notice of appeal is likewise untimely.

⁶KDI Sylvan Pools v. Workman, 107 Nev. 340, 343, 810 P.2d 1217, 1219-20 (1991) (noting that no statute or court rule authorizes an appeal from a district court's stay order); Brunzell Constr. v. Harrah's Club, 81 Nev. 414, 419, 404 P.2d 902, 905 (1965) ("An order granting or denying a stay of proceedings is not among [the list of statutorily appealable determinations].").

Accordingly, as we lack jurisdiction to consider this appeal, we
ORDER this appeal DISMISSED.⁷


_____, C.J.
Gibbons


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Hon. Kathy A. Hardcastle, District Judge
Debra Zabka
Robert Zabka
Gerrard Cox & Larsen
Eighth District Court Clerk

⁷In light of this order, we deny as moot all motions and requests for relief pending in this appeal, including the Zabkas' July 21, 2008, motion for an enlargement of time to file their civil proper person appeal statement, motion to amend the caption and lift the district court's stay of the foreign judgment and constructive trust, and the Zabkas' motion for leave to file a reply in favor of their July 21, 2008, motion.