

IN THE SUPREME COURT OF THE STATE OF NEVADA

CAROL ANN FRANK,
Appellant,

vs.

JOLIE STADELMAN, PA-C; JOHN M.
BALDAUF, M.D.; AND DESERT
ORTHOPAEDIC CENTER, A NEVADA
CORPORATION,
Respondents.

No. 54930

FILED

MAR 10 2010

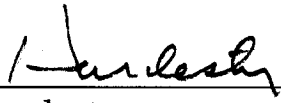
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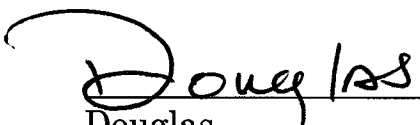
ORDER DISMISSING APPEAL


Respondents have filed a motion to dismiss this appeal for lack of jurisdiction. Notice of entry of the district court's order was served on proper person appellant by respondent's counsel via U.S. mail on August 27, 2009. Because service of the notice of entry was by mail, appellant had 33 days from the date of service to file her notice of appeal. See NRAP 4(a)(1); NRAP 26(c). Appellant's notice of appeal was therefore due to be filed in the district court on or before September 29, 2009. Appellant filed her notice of appeal on November 10, 2009, 42 days after the 33-day period for filing her notice of appeal had run. Since appellant's notice of appeal was untimely filed, we lack jurisdiction to consider this appeal. See Healy v. Volkswagenwerk, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (noting that an untimely notice of appeal fails to vest jurisdiction in this court). Additionally, an order denying reconsideration is not an appealable order, see Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983), and a motion for reconsideration does not toll

the time to file a notice of appeal. NRAP 4(a)(4). Accordingly, as we lack jurisdiction over this appeal, we grant respondents' motion and

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Linda Marie Bell, District Judge
Carol Ann Frank
Tuverson & McBride
Eighth District Court Clerk