

IN THE SUPREME COURT OF THE STATE OF NEVADA

VERNE HACKBARTH,
Appellant,

No. 58100

vs.

ESTATE OF RICHARD A. DAVIS; RICHARD
A. DAVIS FAMILY TRUST; LAFAYETTE H.
DANA & SHIRLEY C. DANA, CO-TRUSTEES
OF THE 1979 DANA TRUST; JO ANNE
LAMURAGLIA; GRANT FIDDLER; JOHN
PETER LEE, ESQ.; SCHWARTZER &
MCPHERSON LAW FIRM; CHICAGO TITLE
OF LAS VEGAS; TERRY HAINES;
LAWYERS TITLE OF NEVADA, INC.;
LAWYERS TITLE INSURANCE CO.; LAND
AMERICA A/K/A COMMONWEALTH TITLE
OF NEVADA; MICHAEL F. BOHN, ESQ.;
DAMON E. MORRIS, ESQ.; LAW OFFICES
OF BOHN & MORRIS; JUDGE TINA
BRISEBILL; JUDGE ROBERT LANE; NYE
COUNTY CLERKS TIMOTHY SUTTON &
CINDI WARD; AND SGT. BALDING & SGT.
MEDINA, OF THE NYE COUNTY
SHERIFFS DEPT.,
Respondents.

FILED

MAY 10 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Moor
DEPUTY CLERK

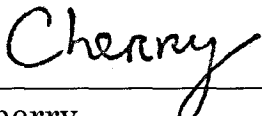
ORDER DISMISSING APPEAL

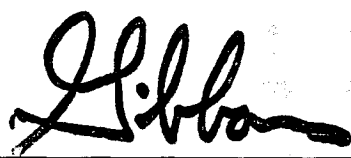
Proper person appellant seeks to challenge a district court order denying a motion for reconsideration. As no statute or court rule authorizes an appeal from an order denying a motion for reconsideration, the challenged order is not substantively appealable. See NRAP 3A(b) (listing orders and judgments from which an appeal may be taken); see also Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983) (noting that no appeal may be taken from an order of


reconsideration), disapproved on other grounds by AA Primo Builders v. Washington, 126 Nev. ___, 245 P. 3d 1190 (2010).

Additionally, notice of entry of the district court's January 21, 2009, final judgment was served on appellant by respondents' counsel via U.S. mail on January 26, 2009. Because service of the notice of entry was by mail, appellant had 33 days from the date of service to file the 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 February 28, 2009. Appellant filed the notice of appeal on April 4, 2011, 767 days after the 33-day period for filing the notice of appeal had run. Thus, appellant's notice of appeal was untimely filed. 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).

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


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Robert W. Lane, District Judge
Verne Hackbarth
Damon Morris
Nye County Clerk