

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARTHUR S. WULF, INDIVIDUALLY
AND AS ASSIGNEE OF ALL RIGHTS
OF FRIENDLY BEAR PLAZA LTD.,
Appellants,
vs.
NEIL BELLER,
Respondent.

No. 59367

FILED

DEC 28 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angersal
DEPUTY CLERK

ORDER DISMISSING APPEAL

Appellants seek to challenge a district court order denying an untimely tolling motion. As no statute or court rule authorizes an appeal from the challenged order, it 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, 209, 678 P.2d 1152, 1153 (1984). Also, since the motion was untimely filed, it did not toll the time to file a notice of appeal, NRAP 4(a)(4), and thus the notice of appeal was likewise untimely as to the final judgment. We therefore 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). Accordingly, we

ORDER this appeal DISMISSED.

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Jerry A. Wiese, District Judge
Arthur Wulf
Benson, Bertoldo, Baker & Carter, Chtd.
Eighth District Court Clerk