

IN THE SUPREME COURT OF THE STATE OF NEVADA

SATICOY BAY LLC SERIES 6915
SILVER STATE,

Appellant,

vs.

WELLS FARGO BANK, N.A.,
Respondent.

No. 73300

FILED

SEP 05 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court judgment, certified as final pursuant to NRCP 54(b). Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

On June 13, 2017, appellant filed a notice of appeal from a district court order, certified as final pursuant to NRCP 54(b). The order appealed from was filed in the district court on August 23, 2016, and notice of entry of the order was served electronically on counsel for appellant on the same date. Because the notice of appeal was filed well after the 30-day period for filing appeals had passed, *see* NRAP 4(a)(1), it appears that this court lacks jurisdiction over this appeal. *See Zugel v. Miller*, 99 Nev. 100, 101, 659 P.2d 296, 297 (1983) ("Filing a timely notice of appeal is jurisdictional and an untimely appeal may not be considered.").

Further, respondent has filed a motion to dismiss this appeal, based on its argument that the notice of appeal was untimely filed. Appellant has not opposed the motion. We conclude that this failure to oppose constitutes an admission that the motion is meritorious. *See Foster*

v. Dingwall, 126 Nev. 56, 66, 227 P.3d 1042, 1049 (2010). Accordingly, we grant respondent's motion and

ORDER this appeal DISMISSED.

Cherry, C.J.
Cherry

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

cc: Hon. Kathleen E. Delaney, District Judge
Law Offices of Michael F. Bohn, Ltd.
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk