

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARLENE ROGOFF,
Appellant,
vs.
MARTIN RONALD JOHNSON,
Respondent.

No. 74179

FILED

NOV 29 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order granting a motion to set aside a default judgment. Eighth Judicial District Court, Clark County; David M. Jones, Judge.


Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. It appears that the notice of appeal was untimely filed more than thirty days after service of written notice of entry of the judgment or order. See NRAP 4(a)(1); NRAP 26(c). Written notice of the court's order setting aside the default judgment was served on June 7, 2017. Appellant's notice of appeal was therefore due to be filed on or before July 10, 2017, unless appellant filed a timely tolling motion. See NRAP 4(a)(4). Appellant filed motions to amend the challenged order on September 22, 2017, well after the 10 days allowed for filing such a motion. See NRCP 52(b), 59. While a timely-filed motion to amend will toll the time to appeal, an untimely motion to amend does not toll the time to appeal. See NRAP 4(a)(4); *Morrell v. Edwards*, 98 Nev. 91, 93, 640 P.2d

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1322, 1324 (1982). Appellant's notice of appeal was not filed in the district court until October 2, 2017. Therefore, appellant's notice of appeal was untimely filed. We conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. David M. Jones, District Judge
Marlene Rogoff
Kolesar & Leatham, Chtd.
Eighth District Court Clerk