

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHARNETTE HAMMOND,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; AND CANNON
COCHRAN MANAGEMENT SERVICES,
INC.,
Respondents.

No. 72248

FILED

DEC 01 2017

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a petition for judicial review. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

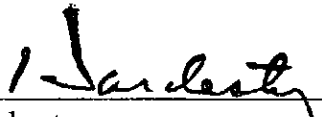
Our initial review of the docketing statement and documents before this court revealed that the notice of appeal may have been untimely filed. Notice of entry of the challenged order was served by mail on December 7, 2016. However, the notice of appeal was not filed in the district court until January 24, 2017, well after the expiration of the 30-day period for filing the notice of appeal established by NRAP 4(a)(1). Accordingly, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. *See Healy v. Volkswagenwerk*, 103 Nev. 329, 741 P.2d 432 (1987) (an untimely notice of appeal fails to vest jurisdiction in this court).

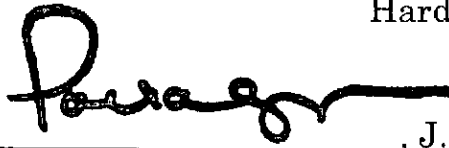
In response, counsel for appellant asserted that he never received the notice of entry of order and was first made aware of it when he accessed the district court's online database on January 22, 2017. Respondents disputed the existence of any service defect. When an appellant asserts that he or she did not receive written notice of entry of the

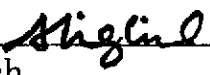
appealed order, “there is a legitimate question of fact as to whether the notice was ever mailed.” *Zugel v. Miller*, 99 Nev. 100, 101, 659 P.2d 296, 297 (1983). We thus remanded this matter to the district court to determine the factual question of whether respondents mailed the notice of entry of order to appellant on December 7, 2016, as indicated in the certificate of mailing. *See id.* (this court is not a fact-finding tribunal).

The district court has now filed a copy of a November 3, 2017, order in which it states that the notice of entry of order “was properly mailed to and served upon [appellant] by mail on December 7, 2016.” Accordingly, the notice of appeal was untimely filed in the district court on January 24, 2017, 48 days after notice of entry of the order was served. We conclude that we lack jurisdiction,¹ and we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

¹In her response to our order to show cause, appellant asked that this court accept jurisdiction because she did not receive a copy of the challenged order when it was entered, she detrimentally relied upon an assertion by the district court judge that the petition would not be ruled upon until sometime after January 9, 2017, and public policy favors hearing this case on its merits. However, as noted in our July 21, 2017, order of limited remand, the timely filing of a notice of appeal is mandatory and jurisdictional, and we are not authorized to extend the time to file the notice of appeal under these circumstances. *See* NRAP 4(a)(1); NRAP 26(b)(1)(A).

cc: Hon. Douglas Smith, District Judge
Carolyn Worrell, Settlement Judge
Nevada Attorney for Injured Workers/Las Vegas
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk