

IN THE SUPREME COURT OF THE STATE OF NEVADA

AUDIE G. LEVENTHAL,  
Appellant,  
vs.  
MARGARET PICKARD, ESQ., D/B/A  
MARGARET PICKARD, PLLC; AND DR.  
MELISSA F. KALODNER, PSY.D.,  
Respondents.

No. 77350

**FILED**

DEC 21 2018

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

*ORDER DISMISSING APPEAL*

This is an appeal from a district court judgment in a breach of contract action. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, the notice of appeal appears to be untimely filed under NRAP 4(a) because it appears that it was filed more than 30 days after service of written notice of entry of the judgment or order.<sup>1</sup> See NRAP 4(a)(1); NRAP 26(c). An untimely notice of appeal fails to vest jurisdiction in this court. See *Healy v. Volkswagenwerk*

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<sup>1</sup>The challenged order was filed in district court on June 7, 2018. Written notice of entry of the challenged order was served on appellant, via electronic means, on June 8, 2018. Appellant's notice of appeal was not filed in district court until October 30, 2018, well outside the 30-day appeal period. See NRAP 4(a)(1); NRCP 6(e). Additionally, it appears that the district court's January 31, 2018, order was the final judgment in this matter. See *Campos-Garcia v. Johnson*, 130 Nev. 610, 611-12, 331 P.3d 890, 891 (2014) (indicating that the final judgment is the first order that adjudicates all rights and liabilities; subsequent judgments that do not modify settled legal rights and obligations are not appealable). Appellant filed a timely appeal from the January 31, 2018, order, which was dismissed as abandoned. *Leventhal v. Pickard*, Docket No. 75266 (Order Dismissing Appeal, Sept. 24, 2018).

*Aktiengesellschaft*, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987). Accordingly,  
we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.

Pickering, J.  
Pickering

Gibbons J.  
Gibbons

Hardesty, J.  
Hardesty

cc: Hon. Joanna Kishner, District Judge  
Audie G. Leventhal  
Parry & Pfau  
Eighth District Court Clerk