

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADAM W. DIETER,
Appellant,
vs.
BANK OF AMERICA, N.A., A
NATIONAL ASSOCIATION,
Respondent.

No. 71747

FILED

FEB 28 2017

BY: *M. A. BROWN*
M. A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion for summary judgment. Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

Respondent has filed a motion to dismiss this appeal as untimely. Notice of entry of the challenged order, the final judgment in this matter, was served on appellant by mail on July 6, 2016. *See Lee v. GNLV, Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Appellant's notice of appeal was not filed until November 11, 2016, well outside the 30-day appeal period. *See* NRAP 4(a)(1); NRCPC 6(e).

Appellant appears to concede that the notice of appeal was untimely filed but argues that this court should overrule *Lee* to the extent

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it holds that a judgment becomes final before the district court rules on motions for attorney fees and costs. We decline to do so.

Because the notice of appeal was untimely filed, we lack jurisdiction, *see Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987), and we

ORDER this appeal DISMISSED.



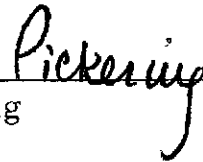
Douglas

J.



Gibbons

J.



Pickering

J.

cc: Hon. Kerry Louise Earley, District Judge
Janet Trost, Settlement Judge
Brian K. Berman
Ball, Santin & McLeran, PLC
Eighth District Court Clerk