

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL STICKLER,
Appellant,
vs.
PAUL GADEMSKY, AN INDIVIDUAL;
AND SIERRA NETWORK SOLUTIONS,
Respondents.

No. 72157

FILED

FEB 17 2017

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

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a motion for reconsideration and an order granting in part and denying in part a motion for judgment on the pleadings. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals several jurisdictional defects. Specifically, the notice of appeal appears to be untimely filed under NRAP 4(a) because it appears that it was 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). The order granting in part and denying in part the motion for judgment was filed on May 5, 2016, with written notice of entry served on appellant by mail also on May 5, 2016. Appellant filed an untimely motion for reconsideration on June 17, 2016. An untimely motion for reconsideration does not toll the time to appeal. See NRAP 4(a)(6); NRCP 59(b); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010); *Morrell v. Edwards*, 98 Nev. 91, 93, 640 P.2d 1322, 1324 (1982). Appellant did not file the notice of appeal until January 9, 2017, well after the expiration of the 30-day time limit under NRAP 4.

Further, even if the motion had been timely filed, no appeal lies from an order denying a motion for reconsideration. *Alvis v. State, Gaming Control Bd.*, 99 Nev. 184, 660 P.2d 980 (1983), *disapproved of on other grounds by AA Primo Builders*, 126 Nev. ___, 245 P.3d 1190 (2010).


Finally, it appears that the district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its order as final pursuant to NRCP 54(b). *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rae v. All American Life & Cas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979). The following claims appear to remain below: appellant's claims for defamation, intentional infliction of emotional distress, and for punitive damages.

For the foregoing reasons, we conclude that we lack jurisdiction, and we therefore,

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Lynne K. Simons, District Judge
Michael Stickler
Keith J. Tierney
Washoe District Court Clerk