

IN THE SUPREME COURT OF THE STATE OF NEVADA

TAE MORGAN, M.D., AN INDIVIDUAL,
Appellant,

vs.

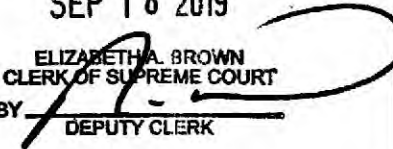
HOMETOWN HEALTH PLAN, A
NEVADA NON-PROFIT
CORPORATION; AND RENOWN
HEALTH, A NEVADA NON-PROFIT
CORPORATION,

Respondents.

No. 78574

FILED

SEP 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL


This is an appeal from an order granting motion for summary judgment. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

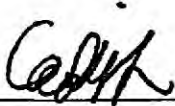
Respondents have filed a motion to dismiss this appeal for lack of jurisdiction on the ground that the notice of appeal was untimely filed from the operative final judgment – the order granting summary judgment entered March 8, 2019. “When district courts, after entering an appealable order, go on to enter a judgment on the same issue, the judgment is superfluous.” *Campos-Garcia v. Johnson*, 130 Nev. 610, 611–12, 331 P.3d 890, 891 (2014). The March 8, 2019, order granting summary judgment “resolved all of the issues in the case and thus was the final, appealable judgment.” *Id.* Accordingly, the operable order is the order granting summary judgment, not the subsequent “Judgment,” entered March 15, 2019. The notice of appeal from written notice of entry of the March 8, 2019, summary judgment order was untimely filed, and appellant has not opposed

respondents' motion to dismiss. See NRAP 4(a)(1); NRCPC 6; *Foster v. Dingwall*, 126 Nev. 56, 66, 227 P.3d 1042, 1049 (2010) (stating that this court may construe the failure to oppose a motion as an admission that the motion is meritorious). Accordingly, the motion is granted and this court

ORDERS this appeal DISMISSED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. David A. Hardy, District Judge
Jonathan L. Andrews, Settlement Judge
Argentum Law
McDonald Carano LLP/Reno
Washoe District Court Clerk