

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLIFFORD THORNTON; AND TRACEY
THORNTON, AS HUSBAND AND
WIFE,

Appellants,

vs.

ALJ REGIONAL HOLDINGS, INC., A
FOREIGN CORP.; FLOORS N MORE,
LLC, D/B/A CARPETS N MORE; STEVE
CHESIN, INDIVIDUALLY; AND JESS
RAVICH, INDIVIDUALLY,

Respondents.

No. 78704

FILED

SEP 30 2019

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

ORDER DISMISSING APPEAL

This is an appeal from an order granting summary judgment. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

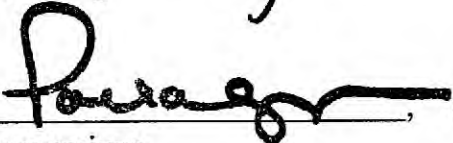
On April 26, 2019, appellants filed a notice of appeal from the "Order Granting Defendants' Motion for Summary Judgment, entered in this action on the 28th day of March, 2019 and the Amended Order entered on the 8th day of April, 2019." However, the summary judgment order was actually entered on March 13, 2019, and notice of entry was served electronically on that same day. On March 28, 2019, the district court entered an order granting respondents their taxable costs. Respondents have filed a motion to dismiss the appeal for lack of a timely notice of appeal. No opposition has been filed.

The notice of appeal is timely from the amended judgment, but not from notice of entry of the original "findings of fact, conclusions of law and judgment." NRAP 4(a). An appeal from an amended judgment is proper only if the amended judgment alters the rights and obligations of the parties arising from the original judgment. *See Morrell v. Edwards*, 98 Nev. 91, 640

P.2d 1322 (1982). The April 8, 2019, amended order makes no substantive changes to the rights or obligations of the parties, and simply includes the taxable cost amount as due to respondents. Thus, an appeal from the amended order is improper, and the appeal from the original summary judgment order is untimely. An untimely notice of appeal fails to vest jurisdiction in this court. *See Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 741 P.2d 432 (1987). This court lacks jurisdiction, and the unopposed motion to dismiss is granted. This court

ORDERS this appeal DISMISSED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Susan Johnson, District Judge
Persi J. Mishel, Settlement Judge
The Law Office of Dan M. Winder, P.C.
Shearman & Sterling, LLP
McDonald Carano LLP/Las Vegas
Eighth District Court Clerk