

IN THE SUPREME COURT OF THE STATE OF NEVADA

DITECH FINANCIAL LLC, F/K/A  
GREEN TREE SERVICING LLC,  
Appellant,  
vs.  
JJND ENTERPRISES, LLC,  
Respondent.

No. 81022

**FILED**

**SEP 17 2020**

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

*ORDER DISMISSING APPEAL*

This is an appeal from an order denying leave to amend the answer, an order granting summary judgment, and an order denying reconsideration of the order denying leave to amend the answer. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Because no appeal lies from an order denying leave to amend an answer, and because it appeared that the notice of appeal from the order granting summary judgment may have been untimely filed, this court entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

Appellant has responded and respondent has filed a reply. Appellant argues first that the appeal is not ripe for review because claims against defendant Kati J. Klein remain pending. It appears from a review of the district court docket entries, however, that Klein never made an appearance; therefore she does not qualify as a party. *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 445, 874 P.2d 729, 733 (1994) (to be a party to the action, a person must be named, served, and appear in the trial court).

Appellant also argues that the notice of appeal from the order granting summary judgment was timely because the timely motion for reconsideration of the order denying the motion for leave to amend the answer tolled the time to appeal. This misstates the law. A timely motion

for reconsideration may toll the time to appeal an *appealable* judgment. *Lytle v. Rosemere Estates Prop. Owners*, 129 Nev. 923, 314 P.3d 946 (2013). Here, however, the motion for reconsideration was as to a non-appealable order – the order denying the motion for leave to amend the answer. Accordingly, the motion for reconsideration did not toll the time to appeal the final order granting summary judgment, and the notice of appeal from that order is untimely.

This court lacks jurisdiction and  
ORDERS this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Cadish

cc: Hon. William D. Kephart, District Judge  
Charles K. Hauser, Settlement Judge  
Wolfe & Wyman LLP  
Hong & Hong  
Eighth District Court Clerk