

IN THE SUPREME COURT OF THE STATE OF NEVADA

ICKWORTH COURT TRUST, A
NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

WILLOW CREEK COMMUNITY
ASSOCIATION, A DOMESTIC NON-
PROFIT COOPERATIVE
CORPORATION; AND RED ROCK
FINANCIAL SERVICES, LLC, A
DOMESTIC CORPORATION,

Respondents.

No. 81398

FILED

OCT 14 2020

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

ORDER DISMISSING APPEAL

This is an appeal from district court orders granting motions to dismiss entered on May 20, 2020, and May 22, 2020. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

Initial review of the notice of appeal and documents before this court revealed potential jurisdictional defects. It appeared that the May 20, 2020, order was the final judgment in this matter because it finally resolved all claims against all parties. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). However, the notice of appeal was untimely filed from service of notice of entry of that order. *See* NRAP 4(a)(1); NRAP 26(a)(1); NRCPC 6(b)(1). It also appeared that the May 22, 2020, order was not substantively appealable.


The May 20, 2020, order grants respondent Red Rock Financial Services, LLC's motion to dismiss and respondent Willow Creek Community Association's joinder thereto, and states that "the action is dismissed in its entirety with prejudice." The May 22, 2020, order grants

Willow Creek's motion to dismiss. Appellant asserts that the language in the May 20, 2020, order granting Willow Creek's joinder and dismissing the action in its entirety was error by the district court because Willow Creek did not join Red Rock's motion to dismiss and the order did not resolve the claims against Willow Creek. Thus, it argues, the May 22, 2020, order is the final judgment in this matter because it is the first order to finally resolve all claims against all parties. The notice of appeal was timely filed from service of notice of entry of that order. Willow Creek counters that the plain language of the May 20, 2020, order clearly resolved all claims against all parties and was the final judgment. Appellant untimely filed the notice of appeal with respect to that order.

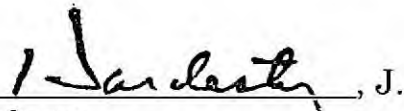
This court agrees with Willow Creek. The plain language of the May 20, 2020, order grants respondent Red Rock Financial Services, LLC's motion to dismiss and Willow Creek's joinder thereto and states that "the action is dismissed in its entirety with prejudice." If appellant believed the order contained an error, it was incumbent upon appellant to file an appropriate motion in the district court. The May 20, 2020, order was the final judgment in this matter as it resolved all claims against both defendants. Notice of entry of the May 20, 2020, order was served on appellant electronically on May 21, 2020. Accordingly, the notice of appeal was due to be filed in the district court by June 22, 2020. *See* NRAP 4(a)(1); NRAP 26(a)(1); NRCP 6(b)(1). Appellant, however, did not file the notice of appeal in the district court until June 24, 2020. This court thus lacks jurisdiction to consider the appeal of the May 20, 2020, order. *See Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 330, 741 P.2d 432 (1987) (this court does not have jurisdiction to consider an untimely notice of appeal).

The May 22, 2020, order is not appealable as a special order after final judgment because it does not affect the rights of any party arising from the May 20, 2020, order. *See Gumm v. Mainor*, 118 Nev. 912, 59 P.3d 1220 (2002). And no other statute or court rule appears to allow an appeal from the May 22, 2020, order. *See Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court “may only consider appeals authorized by statute or court rule”). Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.


_____, J.

Parraguirre


_____, J.
Hardesty


_____, J.
Cadish

cc: Hon. Timothy C. Williams, District Judge
Roger P. Croteau & Associates, Ltd.
Koch & Scow, LLC
Gibbs Giden Locher Turner Senet & Wittbrodt LLP/Las Vegas
Eighth District Court Clerk