

IN THE SUPREME COURT OF THE STATE OF NEVADA

VIOLA WILSON ADMINISTRATOR
AND PERSONAL REPRESENTATIVE
OF THE ESTATE OF SADIE SHARPE;
AND THE ESTATE OF SADIE
SHARPE,
Appellants,
vs.
ALISHA GRUNDY, AN INDIVIDUAL,
Respondent.

No. 83861

FILED

APR 11 2022

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

ORDER DISMISSING APPEAL

This is an appeal from an October 18, 2021, district court order granting summary judgment on respondent's claims for civil forfeiture, constructive trust, and declaratory judgment concerning the forfeiture of two parcels of real property located in California. Eighth Judicial District Court, Clark County; Adriana Escobar, Judge. Appellants have filed an emergency motion to stay execution of the summary judgment without bond, explaining that they cannot afford the \$1 million supersedeas bond required by the district court and, absent a stay, the judgment will be used in support of respondent's motion for summary judgment soon to be heard in parallel litigation pending in the California courts.

Notice of entry of the October 18 summary judgment was electronically served on October 19, 2021, but appellants' notice of appeal was not filed until November 23, 2021, 4 days beyond the 30-day appeal period. NRAP 4(a)(1). On March 3, 2021, appellants filed in this court a notice acknowledging the untimely appeal and asserting that the district court has indicated its intent to grant NRCP 60(b) relief and reissue the judgment, restarting the time for appeal. Appellants did not provide any

district court order so stating, but regardless, an untimely notice of appeal fails to vest jurisdiction in this court. *Healy v. Volkswagenwerk*, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987); *see also Walker v. Scully*, 99 Nev. 45, 46, 657 P.2d 94, 94 (1983) (holding that the district court lacks authority to extend the appeal period and that this court lacks jurisdiction to consider an untimely appeal). Appellants appear to recognize as much when, in their notice, they state that the appeal will need to be dismissed; further, as the district court did not lose jurisdiction when appellants filed the untimely appeal, there is no need to remand this matter. Therefore, we lack jurisdiction and

ORDER this appeal DISMISSED.¹

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Herndon, J.
Herndon

cc: Hon. Adriana Escobar, District Judge
Eleissa C. Lavelle, Settlement Judge
TRILAW
Flangas Civil Law Firm, Ltd.
Eighth District Court Clerk

¹Appellants' emergency motion for stay is denied as moot.