

IN THE SUPREME COURT OF THE STATE OF NEVADA

RENATA POPELKOVA,
Appellant/Cross-Respondent,

vs.

HOWARD MILLER,
Respondent/Cross-Appellant.

HOWARD MILLER,
Appellant,

vs.

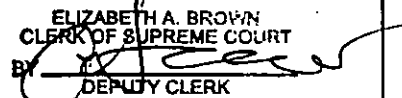
RENATA POPELKOVA,
Respondent.

No. 89247

✓ No. 89695

FILED

FEB 10 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER DENYING MOTION TO DISMISS AND
ADMINISTRATIVELY CLOSING APPEAL*

These appeals challenge orders entered in a divorce matter. Eighth Judicial District Court, Family Division, Clark County; Stephanie Charter, Judge.

Renata Popelkova initiated these appellate proceedings by filing a notice of appeal from an August 26, 2024, interlocutory order. That notice of appeal was assigned Docket No. 89247. Before settlement proceedings concluded, Popelkova filed an amended notice of appeal from the October 23, 2024, decree of divorce and the August 26 order. This second notice of appeal was also filed in Docket No. 89247. Howard Miller then filed a notice of cross-appeal from the October 23 decree. Miller's notice of cross-appeal was assigned Docket No. 89695.

Miller now moves to dismiss Popelkova's appeal in Docket No. 89247. He contends that Popelkova prematurely filed her first notice of appeal from an unappealable interlocutory order. Because this court lacked jurisdiction over that appeal, he argues, Popelkova could not amend the

notice of appeal after entry of the divorce decree. Instead, she was required to file a new notice of appeal but failed to do so. We disagree.

Popelkova's first notice of appeal from the unappealable interlocutory order may properly be construed as a challenge to the later-entered divorce decree, the final judgment in this matter. *See Knox v. Dick*, 99 Nev. 514, 517, 665 P.2d 267, 269 (1983). Moreover, we discern no substantive defect with Popelkova's amended notice of appeal—that document complied with all requirements of NRAP 3(c)(1), was timely filed, *see* NRAP 4(a)(1), and challenged the substantively appealable divorce decree, *see* NRAP 3A(b)(1). *See generally* NRAP 3(a)(2) (“An appellant’s failure to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for the court to act as it deems appropriate, including dismissing the appeal.”). Even assuming that designation of the second notice of appeal as an amended notice of appeal was somehow improper, such designation does not render the amended notice of appeal invalid. The motion to dismiss is denied.

Because Popelkova and Miller appeal from the same decree of divorce, the appeal in Docket No. 89695 was improperly docketed as a new matter. The clerk shall administratively close the appeal in Docket No. 89695 and transfer the documents in that appeal to Docket No. 89247. The clerk shall modify the caption in Docket No. 89247 consistent with the caption on this order.

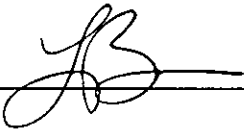
Popelkova shall have until March 25, 2025, to file and serve the appendix and opening brief on appeal.¹ Thereafter, briefing shall proceed

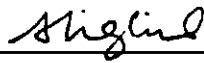
¹Popelkova may challenge any interlocutory order in the context of her appeal from the divorce decree. *See Consol. Generator-Nevada, Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998)

in accordance with NRAP 28.1(c). Failure to timely file the opening brief and appendix may result in the imposition of sanctions, including the dismissal of Popelkova's appeal. See NRAP 31(d)(1).

It is so ORDERED.


_____, J.
Parraguirre


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Stephanie Charter, District Judge, Family Division
Leavitt Law Firm
Rocheleau Law Group/Right Lawyers
McFarling Law Group
Eighth District Court Clerk

(interlocutory orders entered prior to the final judgment may be considered in an appeal from the final judgment).