

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHERYL THOMAS,
Appellant,
vs.
ELDORADO RESORTS LLC D/B/A
ELDORADO HOTEL AND CASINO,
Respondent.

No. 38300

FILED

NOV 12 2002

JACQUELINE M. BLOOM
CLERK OF SUPREME COURT
By *J. Richard*
DEPUTY CLERK

ORDER DISMISSING APPEAL

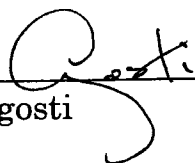
This is an appeal from a district court order granting summary judgment in a wrongful termination action. Respondent moved to dismiss the appeal on the basis that the notice of appeal was not timely filed. But a question of fact was raised because appellant's counsel claimed that he had not received notice of the order's entry. Accordingly, on August 23, 2002, we issued an order of limited remand, directing the district court to conduct proceedings to resolve the factual question of whether respondent properly served notice of entry of the order granting summary judgment. On October 16, 2002, the district court transmitted a certified copy of its findings to this court. The district court found that respondent had met its burden to show that it had properly served the notice of entry, and so the notice of appeal was untimely.

The timely filing of a notice of appeal is jurisdictional.¹
Accordingly, we grant respondent's motion and

ORDER this appeal DISMISSED.


_____, C.J.
Maupin


_____, J.
Rose


_____, J.
Agosti

cc: Hon. Jerome Polaha, District Judge
Nicholas F. Frey, Settlement Judge
Martin G. Crowley
McDonald Carano Wilson McCune Bergin Frankovich & Hicks
LLP/Reno
Washoe District Court Clerk

¹See Healy v. Volkswagenwerk, 103 Nev. 329, 741 P.2d 432 (1987).