


IN THE SUPREME COURT OF THE STATE OF NEVADA

SEAN FLYNN AND KRISTINE FLYNN,
Appellants,
vs.
CENTERLINE STRUCTURAL
INNOVATIONS, INC., A NEVADA
CORPORATION D/B/A NVO
CONSTRUCTION,
Respondent.

No. 90379

FILED

AUG 15 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from district court orders entered upon an application to expunge a mechanic's lien. Second Judicial District Court, Washoe County; David A. Hardy, Judge. When initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect, this court ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellants have filed a response and respondent has replied.

Appellants' notice of appeal designates three orders being appealed: (1) a December 13, 2024, order determining that a lien was not frivolous or made without reasonable cause and was not excessive, and denying an application to expunge the lien, (2) a February 19, 2025, order awarding attorney fees and costs, and (3) a February 26, 2025, judgment. An order determining that a lien is not frivolous and was made with reasonable cause or is not excessive, and awarding attorney fees and costs, is appealable. NRS 108.2275(6)(c), (8); NRAP 3A(b)(12). Together, the December 13 and February 19 orders determine that the lien was not frivolous and was made with reasonable cause and was not excessive, and award attorney fees and costs, in accordance with NRS 108.2275(6)(c).

Upon entry of the February 19 order, the December 13 and February 19 orders together became appealable under NRS 108.2275(8) and NRAP 3A(b)(12).¹

Appellants' suggestion that the December 13 and February 19 orders are not appealable because they are not titled as judgments lacks merit. NRAP 3A(b) sets forth the appealable "judgments and orders of a district court," including numerous types of "orders." See NRAP 3A(b)(2-12). Moreover, there is no meaningful distinction between a judgment and an order for purposes of appellate jurisdiction. A judgment is defined as "a decree and any order from which an appeal lies." NRCP 54(a). Because the orders are appealable under NRS 108.2275(8) and NRAP 3A(b)(12), they meet the definition of a judgment. *Cf. Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 445, 874 P.2d 729, 733 (1994) ("This court determines the finality of an order or judgment by looking to what the order or judgment actually *does*, not what it is called.").

Service of notice of entry of the February 19, 2025, order was made electronically on February 20, 2025. Any notice of appeal was due to be filed in the district court within 30 days thereafter—by March 24, 2025. See NRAP 4(a)(1); NRAP 26(a)(1)(C). Appellants did not file the notice of appeal in the district court until March 28, 2025, 4 days after expiration of the appeal period. Therefore, the notice of appeal was untimely with respect to the December 13, 2024, and February 19, 2025, orders, and we lack jurisdiction to consider them. See *Healy v. Volkswagenwerk*

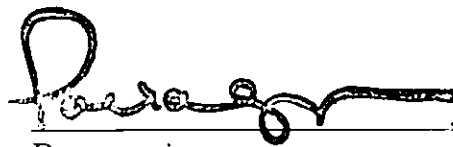
¹Given that the orders are appealable under NRS 108.2275(8) and NRAP 3A(b)(12), appellants' assertion that the orders are not appealable under NRAP 3A(b)(1) and NRAP 3A(b)(8) is of no consequence.

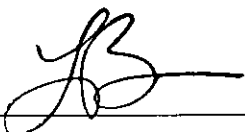
Aktiengesellschaft, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (an untimely notice of appeal fails to vest jurisdiction in this court).


This court also lacks jurisdiction to consider the appeal of the February 26, 2025, judgment. “When district courts, after entering an appealable order, go on to enter a judgment on the same issue, the judgment is superfluous” and not appealable. *Campos-Garcia v. Johnson*, 130 Nev. 610, 612, 331 P.3d 890, 891 (2014). The February 26 judgment duplicates the determination in the December 13 order against appellants’ application to expunge the lien, and the award of fees and costs made in the February 19 order. It does “not in any way alter the legal rights and obligations set forth in either” the December 13 or February 19 orders. *Id.* The judgment is therefore superfluous and unappealable.

Appellants’ notice of appeal was untimely filed with respect to the December 13, 2024, and February 19, 2025, orders, and the February 26, 2025, judgment is not substantively appealable. Accordingly, we lack jurisdiction and

ORDER this appeal DISMISSED.


Parraguirre, J.


Bell, J.


Stiglich, J.

cc: Hon. David A. Hardy, District Judge
Jonathan L. Andrews, Settlement Judge
Sean P. Flynn, ESQ
Simons Hall Johnston PC/Reno
Washoe District Court Clerk