

IN THE SUPREME COURT OF THE STATE OF NEVADA


YETTA ATKINSON,  
Appellant,  
vs.  
ROBIN M. JOHNSON,  
Respondent.

No. 41295

**FILED**

JAN 05 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY  CHIEF DEPUTY CLERK

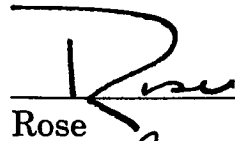
This is an appeal from an order denying a motion for an extension of time to file for trial de novo. When our preliminary review of the docketing statement and documents filed pursuant to NRAP 3(e) revealed a potential jurisdictional defect, this court entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically it appeared that the order designated in the notice of appeal was not substantively appealable.

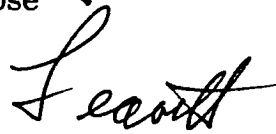
In response, appellant states that although she filed a "Motion for Extension of Time to file Request for Trial De Novo," "Appellant's Motion should have correctly read as a Notice for Trial De Novo" because the motion was sent within the 30 days required by the arbitration rule. Appellant therefore asserts that this court has jurisdiction to hear this appeal.

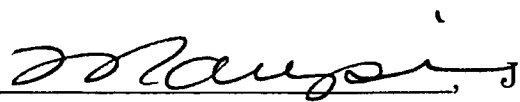
Despite appellant's assertion, the order appealed from does not deny a request for a trial de novo. Rather, the order specifically denies a motion for an extension of time to file for trial de novo. No statute or court rule authorizes an appeal from an order denying a motion for an extension of time to file for trial de novo. Accordingly, as this court lacks jurisdiction, we dismiss this appeal. See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 152 (1984) (this court has jurisdiction to

consider an appeal only when the appeal is authorized by statute or court rule).<sup>1</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Maupin

cc: Hon. Kathy A. Hardcastle, District Judge  
Cuthbert E.A. Mack  
Edwards, Hale, Sturman, Atkin & Cushing, Ltd.  
Yetta Atkinson  
Clark County Clerk

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<sup>1</sup>In light of this order, we grant attorney Cuthbert E. A. Mack's motion to withdraw as counsel of record for appellant. See SCR 46.