

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID SCHIEBNER, DAWN  
SCHIEBNER, AND DM SCHIEBNER  
TRANSPORT,

Appellants,

vs.

QUALITY TRANSPORTATION  
SERVICES, INCORPORATED,  
Respondent.

No. 41799

**FILED**

JAN 05 2004

JANETTE M BLOOM  
CLERK OF SUPREME COURT  
BY *J. Ribad*  
CHIEF DEPUTY CLERK

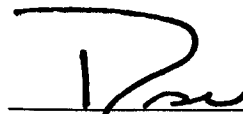
ORDER DISMISSING APPEAL

Respondent has moved to dismiss this appeal for lack of jurisdiction. Specifically, respondent contends that the notice of appeal was filed "thirty-four days after the Notice of Entry of Order was served." Appellants have not opposed the motion.

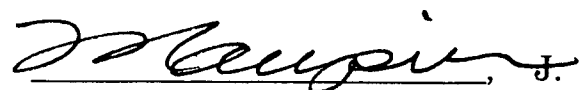
Our review of the documents submitted pursuant to NRAP 3(e) and the docketing statement reveals that the notice of entry of the June 10, 2003, "Order Re: Motion for Summary Judgment" was served by facsimile on June 12, 2003. Appellants, however, did not file the notice of appeal until July 16, 2003, which was 34 days after service of the notice of entry of order. See NRAP 4(a) ("A notice of appeal must be filed . . . no later than thirty (30) days after the date of service of written notice of the entry of the judgment or order appealed from."); and NRAP 26(c) (3 additional days are added if service of a document was not by personal delivery). Accordingly, we conclude that appellants untimely filed the

notice of appeal, and we grant respondent's unopposed motion to dismiss this appeal.

It is so ORDERED.

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

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

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

cc: Hon. Kathy A. Hardcastle, District Judge  
Thomas J. Tanksley, Settlement Judge  
Lavigne & Shetler, P.C.  
Woods, Erickson, Whitaker & Miles, LLP  
Clark County Clerk