

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHARON TIEMAN,
Appellant,
vs.
BIGELOW DEVELOPMENT
CORPORATION, A NEVADA
CORPORATION,
Respondent.

No. 42245

FILED

APR 06 2004

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

ORDER DISMISSING APPEAL

This is an appeal from an order granting summary judgment and an order denying a motion for reconsideration. On February 23, 2004, respondent filed a motion to dismiss this appeal for lack of jurisdiction. Respondent contends that appellant's notice of appeal was untimely filed and that an order denying a motion for reconsideration is not substantively appealable. In opposition, appellant argues that respondent waived any jurisdictional defects by failing to raise them earlier, either during the settlement conference or in a timely response to the docketing statement.¹

We conclude that we lack jurisdiction over this appeal. "Jurisdictional rules go to the very power of this court to act."² While an appeal may be taken from a final judgment,³ the notice of appeal must be

¹See NRAP 14(f) (providing that respondent may file a response within seven days after service of the docketing statement).

We deny as moot respondent's March 15, 2004 motion to file a reply.

²Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987).

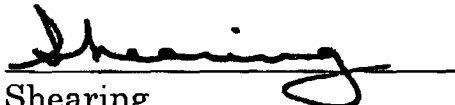
³NRAP 3A(b)(1).


filed no later than thirty days after written notice of the judgment's entry is served.⁴ Here, the district court entered its order granting summary judgment on August 6, 2003, and notice of the order's entry was served on August 7, 2003. Appellant did not file the notice of appeal, however, until October 22, 2003.

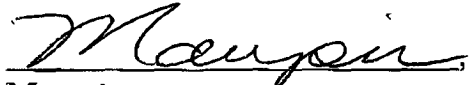
Additionally, appellant filed a motion for reconsideration. The district court denied the motion on September 18, 2003, and notice of that order's entry was served on September 22, 2003. While the appeal period may be terminated by any timely post-judgment motion enumerated in NRAP 4(a)(2), a motion for reconsideration is not such a motion.⁵ And, an order denying a motion for reconsideration is not appealable.⁶

Accordingly, as we lack jurisdiction, we grant respondent's motion and hereby dismiss this appeal.

It is so ORDERED.

 _____, C.J.
Shearing

 _____, J.
Rose

 _____, J.
Maupin

⁴NRAP 4(a)(1).

⁵Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983) (stating that a motion for rehearing does not toll the time for appeal).

⁶Id. (holding that an order denying a motion for reconsideration is not appealable as a special order made after final judgment).

cc: Hon. Stewart L. Bell, District Judge
Howard Roitman, Settlement Judge
Hilton English & Associates
Markoff & Boyers
Clark County Clerk