

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD A. HUNTER, AN
INDIVIDUAL,
Appellant,
vs.
WILLIAM GANG, AN INDIVIDUAL,
Respondent.

No. 63804

FILED

MAR 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
DEPUTY CLERK

***ORDER DENYING MOTION AND
REQUIRING PAYMENT OF FILING FEE***

On August 14, 2013, this court issued a notice to appellant to pay the filing fee within 10 days or the matter would be dismissed. Appellant responded by filing a "Motion to Transfer Amended Notice of Appeal to Case No. 59691," in which he contends that the notice of appeal docketed in this case was actually an "amended" notice of appeal that "conformed to the requirements of NRAP 4," and requests that we transfer the notice of appeal docketed in this case to Docket No. 59691, refund the filing fee paid in Docket No. 62832,¹ and administratively close the instant case.

Docket No. 59691 is an appeal from a district court order granting respondent's motion to dismiss. The instant appeal is from a district court order granting attorney fees and costs, and was docketed in

¹Docket No. 62832 is an unrelated matter involving completely different parties and counsel from Docket Nos. 59691 and 63804. Thus, this appears to be a typographical error. Moreover, although appellant asserts that he has "paid the requested fee for a new appeal," this court's records reveal that appellant paid the filing fee in Docket No. 59691, but has not paid the filing fee in Docket No. 63804.

this court on August 14, 2013, without payment of the requisite filing fee. Although both appeals arise from the same underlying district court action, they were properly docketed as separate appeals in this court, because an appeal from an order regarding attorney fees constitutes an independently appealable special order after final judgment. *Weddell v. Stewart*, 127 Nev. ___, ___ n.1, 261 P.3d 1080, 1082 n.1 (2011). Appellant's reliance on NRAP 4 as justification to designate the instant matter as an "amended" notice of appeal is therefore misplaced. As we observed in *Weddell*, attempting to file an amended notice of appeal when the subject order is independently appealable "does not comply with the provisions of NRAP 4(a)(7); rather, it is in contravention of NRAP 3A(b)." *Id.* at ___ n.1, 261 P.3d at 1083 n.1. A separate filing fee was therefore due upon filing the notice of appeal from the order granting attorney fees and costs. *Id.* at ___ n. 1, 261 P.3d at 1082 n.1; see NRS 2.250(1); NRAP 3(e).

Accordingly, appellant's motion to transfer the notice of appeal in the instant matter to Docket No. 59691 is denied. Appellant shall, within 10 days of the date of this order, remit the \$250 filing fee to the clerk of this court. Failure to pay the filing fee as ordered will result in dismissal of this appeal.

It is so ORDERED.

Pickering, A.C.J.

cc: Greenberg Traurig, LLP/Las Vegas
Marquis Aurbach Coffing