

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 * * * * *

3 KIRK ROSS HARRISON,

4 Appellant/Cross-
Respondent

5 vs.

6 VIVIAN MARIE LEE HARRISON,

7 Respondent/Cross-
8 Appellant.

Electronically Filed
Sep 11 2014 02:44 p.m.
NO. 66157
Tracie K. Lindeman
Clerk of Supreme Court

9
10 **MOTION TO DISMISS CROSS-APPEAL**

11 Appellant/cross-respondent Kirk Harrison hereby moves to dismiss respondent/cross-
12 appellant Vivian Harrison's cross-appeal.

13 On September 10, 2014, Vivian filed her docketing statement for the cross-appeal. The
14 docketing statement reveals that the cross-appeal was not timely. Specifically, Vivian's answer
15 to Question 15 reveals:

- 16 1. Notice of entry of the order on the tolling motion was served on June 16, 2014;
17 2. Kirk filed his notice of appeal on July 7, 2014; and
18 3. Vivian filed her notice of cross-appeal on August 12, 2014.

19 Pursuant to NRAP 4(a)(2), notice of a cross-appeal must be filed within 14 days after the
20 date when the first notice of appeal was served, or within the time otherwise prescribed by Rule
21 4(a), whichever period last expires.

22 In the present case, based upon information in Vivian's answer to Question 15, her notice
23 of the cross-appeal was untimely. Notice of entry of the order on the tolling motion was served
24 on June 16, 2014, and 30 days after that date would have been July 16, 2014. Kirk filed his
25 appeal on July 7, 2014, and 14 days after that date would have been July 21, 2014. Therefore,
26 the deadline for the cross-appeal would have been the later of those two dates, i.e., July 21,
27 2014. Vivian filed her cross-appeal on August 12, 2014. Therefore, the cross-appeal was too
28 late.

1 Accordingly, the cross-appeal in Docket 66157 should be dismissed. See Mahaffey v.
2 Investor's Nat. Sec., 102 Nev. 462, 464, 725 P.2d 1218, 1219 (1986) (failure to file timely
3 notice of cross-appeal is jurisdictional; cross-appeal dismissed).

4
5 DATED: Sept. 11, 2014

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7 ROBERT L. EISENBERG (Bar #0950)
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ATTORNEYS FOR APPELLANT/CROSS-
RESPONDENT

CERTIFICATE OF SERVICE

I certify that I am an employee of Lemons, Grundy & Eisenberg and that on this date a Motion to Dismiss Cross-Appeal was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Edward L. Kainen

Thomas J. Standish

Radford J. Smith

Gary R. Silverman

Mary Anne Decaria

I further certify that on this date I served a copy of this notice, postage prepaid, by U.S. Mail to:

Kirk Harrison
1535 Sherri Lane
Boulder City, Nevada 89005

Settlement Judge Lansford Levitt
4747 Caughlin Parkway
Suite 6
Reno, Nevada 89519

DATED: 9/11/14


Vicki Shapiro, Assistant to
ROBERT L. EISENBERG