

IN THE SUPREME COURT OF THE STATE OF NEVADA

JENNIFER O'NEAL,
Appellant,
vs.
SHARNA HUDSON, INDIVIDUALLY;
AND GERALD LYLES,
INDIVIDUALLY,
Respondents.

No. 70446

FILED

AUG 30 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from a judgment on a short trial jury verdict and an order denying a motion for judgment notwithstanding the verdict or, alternatively, for a new trial. Our initial review of the docketing statement and other documents before this court reveals a potential jurisdictional defect.

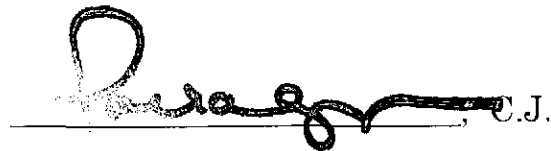
It appears that the notice of appeal was untimely filed as to the judgment on short trial verdict. Unless a timely tolling motion is filed, a notice of appeal must be filed within 30 days of service of written notice of entry of the judgment challenged on appeal. NRAP 4(a)(1). The notice of entry of the judgment on short trial verdict was served on March 24, 2016. But appellant did not file the notice of appeal until May 19, 2016, long after expiration of the 30-day appeal period. Appellant indicates in her docketing statement that a tolling motion—the motion for a new trial—was filed on March 24, 2016. However, it is not clear that the motion for new trial tolled the time to file the notice of appeal. The district court docket entries do not indicate that a motion for new trial was filed on March 24, 2016, or any other date. And the copy of the motion for new trial included in appellant's docketing statement does not bear the file-stamp of the district court clerk or a notation of the filing date made

by the judge. See NSTR 6 (subject to certain exceptions, all documents must be filed and served in accordance with the NRCP); NRCP 5(e) (defining filing with the court); NRAP 4(a)(4) (a motion for a new trial tolls the time to file a notice of appeal if it is timely filed in the district court).

Accordingly, appellant shall have 30 days from the date of this order to show cause why this appeal should not be dismissed in part for lack of jurisdiction. Respondent may file any reply within 11 days of service of appellant's response. We caution appellant that failure to demonstrate that this court has jurisdiction may result in the dismissal of this appeal in part.

Briefing of this appeal is suspended pending further order of this court.

It is so ORDERED.

 C.J.

cc: Kirk T. Kennedy
The Howard Law Firm