

IN THE SUPREME COURT OF THE STATE OF NEVADA

VIVIA HARRISON, AN INDIVIDUAL,
Appellant,

vs.

RAMPARTS, INC., LUXOR HOTEL &
CASINO, A NEVADA DOMESTIC
CORPORATION,

Respondents.

No. 78964

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Elizabeth A. Brown
Clerk of Supreme Court

**RESPONSE TO AMENDED
DOCKETING STATEMENT
CIVIL APPEALS**

COMES NOW, Defendant, RAMPARTS, INC. d/b/a LUXOR HOTEL & CASINO ("Luxor"), by and through its counsel of record, the law firm of LINCOLN, GUSTAFSON & CERCOS, LLP, and hereby submits the attached Response to Amended Docketing Statement pursuant to NRAP 14(f).

DATED this 19th day of December, 2019.

LINCOLN, GUSTAFSON & CERCOS, LLP


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RESPONSE TO AMENDED DOCKETING STATEMENT

On January 17, 2019, Luxor filed a Motion for Attorney's Fees and Costs, which was granted and an Order and Notice of Entry of Order was entered on March 18, 2019 ("March 18 Order"). A post-judgement order awarding attorney fees and costs is considered a special order entered after final judgement and is substantively appealable. *See e.g., Winston v. DeBoer*, 122 Nev. 517, 134 P.3d 726 (2006). Notwithstanding, Plaintiff chose not to appeal from the March 18 Order. Instead, on March 28, 2019, Plaintiff filed a motion to reconsider, asking the District Court to reconsider the March 18 Order. On May 21, 2019, the District Court entered a Notice of Entry of Order and Order denying Plaintiff's motion to reconsider. On June 4, 2019, Plaintiff filed a Notice of Appeal, which provides that Plaintiff "hereby appeals to the Nevada Supreme Court Plaintiff's Motion to Reconsider the Court's Order Granting Luxor an Attorney Lien Offset entered in this action on May 16, 2019." As evinced by the forgoing, Plaintiff did not intend to appeal from the March 18 Order but only from the order denying her motion to reconsider. Moreover, Plaintiff's contention that her motion to reconsider is a tolling motion under NRAP 4(a)(4) is moot. Plaintiff did not file a timely notice of appeal from the March 18 Order. Absent an appeal from the March 18 Order, a denial motion for reconsideration is not substantively appealable. *See e.g., Alvis v. State, Gaming Control Bd.*, 99 Nev. 184, 660 P. 2d 980 (1983).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of December, I served a copy of this **RESPONSE TO AMENDED DOCKETING STATEMENT CIVIL APPEALS** upon all counsel of record:

X By electronic service in accordance with the Master Service List to the following:

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