

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER KHORSANDI, M.D.,
AN INDIVIDUAL; CHRISTOPHER
KHORSANDI, M.D., PLLC, A NEVADA
PROFESSIONAL LLC; AND
CATHERINE LE KHORSANDI, AN
INDIVIDUAL,

Appellants/Cross-Respondents,

vs.

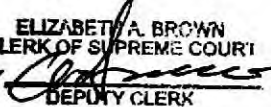
SMITH PLASTIC SURGERY, INC., A
NEVADA CORPORATION; AND LANE
F. SMITH, M.D., AN INDIVIDUAL,

Respondents/Cross-Appellants.

No. 80957

FILED

OCT 27 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal and cross-appeal from a district court order denying a special motion to dismiss under NRS 41.660. Review of the docketing statements and documents before this court reveals potential jurisdictional defects with respect to the cross-appeal.

First, it appears that the cross-appeal was untimely filed. Under NRAP 4(a)(1), the notice of appeal was due to be filed in the district court within 30 days after service of written notice of entry of the challenged order. Notice of entry of the district court's order was served on March 10, 2020. Accordingly, under NRAP 4(a)(1), the notice of appeal was due to be filed by April 9, 2020. Alternatively, under NRAP 4(a)(2), respondents/cross-appellants' notice of appeal was due to be filed in the district court within 14 days after appellants/cross-respondents served their notice of appeal. Appellants/cross-respondents served their notice of appeal on March 31, 2020. Accordingly, respondents/cross-appellants' notice of appeal was due to be filed in the district court by April 14, 2020.

Respondents/cross-appellants did not file their notice of appeal in the district court until April 22, 2020, beyond the appeal periods provided by either NRAP 4(a)(1) or NRAP 4(a)(2). This court lacks jurisdiction to consider an untimely notice of appeal. *Winston Products Co. v. DeBoer*, 122 Nev. 517, 519, 134 P.3d 726, 728 (2006).

Second, it appears that respondents/cross-appellants are not aggrieved parties with standing to appeal the district court's order denying appellants/cross-respondents' motion to dismiss. See NRAP 3A(a) (allowing an appeal by an aggrieved party); *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) ("A party is 'aggrieved' within the meaning of NRAP 3A(a) when either a personal right or right of property is adversely and substantially affected by a district court's ruling." (internal quotation marks omitted)).

Accordingly, respondents/cross-appellants shall have 30 days from the date of this order to show cause why their cross-appeal should not be dismissed for lack of jurisdiction. Appellants/cross-respondents may file any reply within 14 days of service of respondents/cross-appellants' response. Failure to demonstrate that this court has jurisdiction may result in the dismissal of the cross-appeal.

The deadlines to file documents in this matter are suspended pending further order of this court.

It is so ORDERED.

Pickering, C.J.

cc: Pisanelli Bice, PLLC
Sgro & Roger