

IN THE SUPREME COURT OF THE STATE OF NEVADA

VINCENT W. HESSER, AN
INDIVIDUAL,

Appellant,

vs.
KENNEDY FUNDING, INC., A NEW
JERSEY CORPORATION,

Respondent.

No. 81383

FILED

DEC 24 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E. Brown*
DEPUTY CLERK

ORDER REINSTATING BRIEFING

This is an appeal from an order denying a motion to alter or amend an order denying a motion to declare a judgment expired. Because it appeared that no statute or court rule provides for an appeal from an order denying a motion to declare a judgment expired, this court directed appellant to show cause why the appeal should not be dismissed. Appellant has responded and argues that the order should be construed as a special order after final judgment that alters the substantive rights of the parties, and that the motion to alter or amend tolled the time to file the notice of appeal. This court has previously allowed an appeal from a similar order (*Leven v. Frey*, 123 Nev. 399, 168 P.3d 712 (2007)); accordingly, this appeal may proceed and the deadlines for filing of documents are reinstated as follows. Appellant shall have 7 days from the date of this order to file and serve a transcript request form or a certificate of no transcript request. See NRAP 9(a). Appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

Pickering

C.J.

cc: Law Offices of Byron Thomas
Lynch Law Practice, PLLC