

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEX B. GHIBAUDO,
Appellant/Cross-Respondent,
vs.
TARA KELLOGG-GHIBAUDO,
Respondent/Cross-Appellant.

No. 82248

FILED

MAY 14 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER REINSTATING BRIEFING

This is an appeal and cross-appeal from a district court findings of fact, conclusions of law, and judgment. When this court's initial review of the docketing statements and documents before this court revealed a potential jurisdictional defect, we ordered the parties to show cause why the appeal and cross-appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared the notices of appeal were untimely filed. The parties have now filed responses.

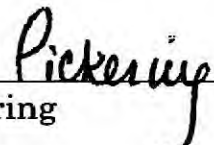
Both parties incorrectly suggest that the time to file the notices of appeals began to run from the time the notice of entry of the challenged order was filed. A notice of appeal must generally be filed within 30 days after the written notice of entry of the order appealed from is served, not from when it is filed. *See* NRAP 4(a)(1). In this case, the certificate of service attached to the notice of entry states that the notice of entry was served on November 11, 2020. It appears, however, that the date on the certificate of service is erroneous and the notice of entry was actually served on November 20, 2020. In particular, the notice of entry is dated November 20, 2020, and it was electronically filed on November 20, 2020. *See* NEFCR 9(b), (f)(1) (together providing that a document is electronically served when it is electronically submitted and filed). The notices of appeal were filed in

the district court less than 30 days thereafter. Accordingly, despite the parties' failure to so demonstrate, it appears that this court does have jurisdiction and this appeal and cross-appeal may proceed.

Appellant/cross-respondent shall have 7 days from the date of this order to serve and file in this court, a file-stamped transcript request form. If no transcript is to be requested, appellant/cross-respondent shall file and serve a certificate to that effect within the same time period. See NRAP 9(a). Appellant/cross-respondent 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 28.1(f)(1). Failure to timely comply with this order may result in the imposition of sanctions, including the dismissal of the appeal or cross-appeal. See NRAP 9(a)(7); NRAP 31(d).

It is so ORDERED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Herndon

cc: Alex B. Ghibaud, PC.
Cory Reade Dows & Shafer