

IN THE SUPREME COURT OF THE STATE OF NEVADA

CAROLINE ROSETE, AN INDIVIDUAL,
Appellant,

vs.

MARIA JOY WEIBEL, AN
INDIVIDUAL,

Respondent.

No. 84092

FILED

AUG 19 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a final order granting summary judgment. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

The challenged district court order was filed on December 6, 2021. Written notice of entry was served on appellant electronically on December 6, 2021; therefore, the notice of appeal was due by January 5, 2022. *See* NRCP 6. Appellant filed the notice of appeal on January 11, 2022, 6 days after the expiration of the 30 days provided by NRAP 4(a)(1). Respondent filed a motion to dismiss the appeal as untimely, and the parties briefed the jurisdictional issue.

Because the parties raised factual discrepancies regarding whether the notice of entry had been served at the correct e-mail address for appellant's counsel, this court remanded this appeal to the district court for the limited purpose of determining the factual dispute. *See Zugel by Zugel v. Miller*, 99 Nev. 100, 100, 659 P.2d 296, 297 (1983). The district court has transmitted its order to this court and has concluded that written notice of entry of the order appealed from was served on appellant's counsel at his "valid and proper" e-mail address that was to be utilized for the

purposes of e-service. Further, the district court found that appellant's counsel conceded that he was properly served by mail and e-mail. Accordingly, the notice of appeal was untimely filed. An untimely notice of appeal fails to vest jurisdiction in this court. *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 741 P.2d 432 (1987). This court lacks jurisdiction, and

ORDERS this appeal DISMISSED.¹

Silver, J.
Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Hon. Timothy C. Williams, District Judge
Charles K. Hauser, Settlement Judge
Sekhon & O'Bryant
David J. Winterton & Associates, Ltd.
Eighth District Court Clerk

¹Respondent's motion to dismiss is denied as moot.