

RULE 4. APPEAL — WHEN TAKEN

(a) Appeals in Civil Cases.

(1) Time and Location for Filing a Notice of Appeal. Except as provided in Rules 4(a)(5), and 4(c), ~~in~~ a civil case in which an appeal is permitted by law from a district court, the notice of appeal required by Rule 3 shall be filed with the district court clerk. ~~Except as provided in Rule 4(a)(4), a notice of appeal must be filed after entry of a written judgment or order, and no later than~~ within no later than 30 days after ~~the date that~~ written notice of entry of the judgment or order appealed from is served. If an applicable statute provides that a notice of appeal must be filed within a different time period, the notice of appeal required by these Rules must be filed within the time period established by the statute.

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(2) Filing Before Entry of Judgment. A notice of appeal filed after the court announces a decision or order—but before the entry of the judgment or order—is treated as filed on the date of and after the entry.

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(3) Multiple Appeals. If one party timely files a notice of appeal, any other party may file ~~and serve~~ a notice of appeal within no later than 14 days after the date when the first notice was served, or within the time otherwise prescribed by Rule 4(a), whichever period ~~last expires~~ ends later.

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(4) Entry Defined. A judgment or order is entered for purposes of this Rule when it is signed by the judge or by the clerk, as the case may be, and filed with the clerk. A notice or stipulation of dismissal filed under NRCP 41(a)(1) has the same effect as a judgment or order signed by the judge and filed by the clerk and constitutes entry of a judgment or order for purposes of this Rule. If that notice or stipulation dismisses all unresolved claims pending in an action in the district court, the notice or stipulation constitutes entry of a final judgment or order for purposes of this Rule.

(45) Effect of Certain Motions on a Notice of Appeal.

(A) If a party timely files in the district court any of the following motions under the Nevada Rules of Civil Procedure, ~~the time to file a notice of appeal runs for all parties from entry of an order disposing of the last such remaining motion, and~~ the notice of appeal must be filed no later than 30 days ~~from the date of~~ after service of written notice of entry of ~~that the~~ order disposing of the last such remaining motion:

(A*i*) ~~a motion~~ for judgment under Rule 50(b);

(B*ii*) ~~a motion under Rule 52(b)~~ to amend or make additional findings of fact under Rule 52(b), whether or not granting the motion would alter the judgment;

(C*iii*) ~~a motion under Rule 59~~ to alter or amend the judgment under Rule 59;

(D*iv*) ~~a motion~~ for a new trial under Rule 59; or

(v) for relief under Rule 60 if the motion is filed no later than 28 days after service of written notice of entry of the judgment or order.

(B) Notices of appeal involving motions listed in Rule 4(a)(5)(A) are governed by the following:

(i) If a party files a notice of appeal after the court announces or enters a judgment—but before it disposes of any motion listed in Rule 4(a)(45)(A)—the notice becomes effective to appeal a judgment or order, in whole or in part, when the order disposing of the last such remaining motion is entered.

(ii) A party intending to challenge an order disposing of any motion listed in Rule 4(a)(5)(A), or a judgment's alteration or amendment upon such a motion, must file a notice of appeal, or an amended notice of appeal—in compliance with Rule 3(c)—within the time prescribed by this

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Rule measured from the service of written notice of entry of the order disposing of the last such remaining motion.

(iii) No additional fee is required to file an amended notice.

~~(5C) Appeal From Certain Amended Judgments and Post~~

~~Judgment Orders.~~ An appeal from a judgment substantively altered or amended upon the granting of a motion listed in Rule 4(a)(45)(A), or from an order granting or denying a new trial, is taken by filing a notice of appeal, or amended notice of appeal, in compliance with Rule 3. The notice of appeal or amended notice of appeal must be filed after entry of a written order disposing of the last such remaining timely motion and ~~no later than~~within 30 days ~~from the date of~~after service of written notice of entry of that order.

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(6) Motion for Extension of Time.

(A) Except when an appeal period is set by statute, ~~T~~the district court may extend the time to file a notice of appeal if:

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(i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and

(ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

~~(B) For any motion filed under Rule 4(a)(6), the motion may not be granted on an ex parte basis, and adequate notice must be given to the other parties in accordance with local rules.~~

(~~C~~B) No extension under this Rule 4(a)(6) may exceed 30 days after the prescribed time or 14 days after **the date when** the order granting the motion is entered, whichever is later.

(7) Reopening the Time to File an Appeal. Except when an appeal period is set by statute, ~~T~~the district court may reopen the time to file an appeal for a

period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:

(A) the motion is filed ~~filed within~~ no later than 180 days after notice of entry of the judgment or order;

(B) the court finds that the moving party established extreme and unforeseeable circumstances for reopening the time; and

(C) the court finds that no party would be prejudiced by reopening the time.

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(68) Premature Notice of Appeal. A premature notice of appeal does not divest the district court of jurisdiction. The court may dismiss as premature a notice of appeal filed after the oral pronouncement of a decision or order but before entry of the written judgment or order, or before entry of the written disposition of the last-remaining timely motion listed in Rule 4(a)(4). If, however, a written order or judgment, or a written disposition of the last-remaining timely motion listed in Rule 4(a)(4), is entered before dismissal of the premature appeal, the notice of appeal shall be considered filed on the date of and after entry of the order, judgment or written disposition of the last-remaining timely motion.

(79) Amended Notice of Appeal. No additional fees shall be required if any party files an amended notice of appeal in order to comply with the provisions of this Rule.

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(e) Mistaken Filing in the Supreme Court. If a notice of appeal in either a civil or a criminal case is mistakenly filed in the Supreme Court rather than the district court, the clerk of the Supreme Court must note on the notice the

date when it was received and send it to the district court clerk. The notice is then considered filed in the district court on the date so noted.