

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 34573

CHERYL A. COLVIN,

Appellant,

vs.

JERRY KOENIG; AND TERRIBLE HERBST CORPORATION, A NEVADA CORPORATION,

Respondents.

FILED

JAN 12 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Rose*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a final judgment entered on June 29, 1999, in a personal injury lawsuit. When our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we ordered appellant to demonstrate this court's jurisdiction to consider this appeal. Specifically, it appeared that the notice of appeal was filed after the timely filing of a tolling motion under NRAP 4(a)(2) and before the tolling motion was formally resolved. We have considered appellant's response to our order to show cause and conclude that we lack jurisdiction over this appeal. See NRAP 4(a)(2) (stating that "[a] notice of appeal filed before the formal disposition of any timely [tolling motion] shall have no effect"). We therefore dismiss this appeal.

It is so ORDERED.

Young

Young J.

Rose

Rose J.

Becker

Becker J.

cc: Hon. Stephen L. Huffaker, District Judge
Robert S. Apfelberg, Settlement Judge
Albert D. Massi, Ltd.
Cohen, Johnson, Day, Jones & Royal
Clark County Clerk

01-00712