

IN THE SUPREME COURT OF THE STATE OF NEVADA

NGA #2 LIMITED LIABILITY COMPANY,

Appellant,

vs.

ROBERT O. RAINS, JR., TRUSTEE OF  
THE RAINS 1992 TRUST DATED  
DECEMBER 14, 1992,

Respondent.

No. 34612

**FILED**

JUN 16 2000

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

ROBERT O. RAINS, JR., TRUSTEE OF  
THE RAINS 1992 TRUST DATED  
DECEMBER 14, 1992,

Appellant,

vs.

NGA #2 LIMITED LIABILITY COMPANY,

Respondent.

No. 34665


ORDER DISMISSING APPEAL IN DOCKET NO. 34612 AND REINSTATING  
BRIEFING IN DOCKET NO. 34665

These are consolidated appeals from a judgment entered against appellant NGA #2 ("NGA") concerning a real estate transaction. When our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we ordered the parties to demonstrate this court's jurisdiction to consider these consolidated appeals. Specifically, in Docket Number 34612, NGA's notice of appeal appeared to be untimely filed under NRAP 4(a), because it appeared that it 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 the parties' responses to our order to show cause and conclude that we lack jurisdiction over the appeal in Docket Number 34612. See NRAP 4(a)(2) (stating that "[a] notice of appeal filed before the formal disposition of any

[tolling motion] shall have no effect"). We therefore dismiss the appeal in Docket No. 34612.

We further conclude that the appeal in Docket Number 34665 may proceed. The court reporter, Carrie A. Hansen shall have thirty (30) days from the date of this order to comply with the provisions of NRAP 9(b). Appellant Rains shall have one hundred (100) days from the date of this order within which to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

  
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Shearing

J.

  
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Becker

J.

MAUPIN, J., dissenting:

I dissent. I would allow both appeals to proceed.

  
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Maupin

J.

cc: Hon. Gary L. Redmon, District Judge  
Curran & Parry  
Marquis & Aurbach  
Carrie A. Hansen, Court Reporter  
Clark County Clerk