

IN THE SUPREME COURT OF THE STATE OF NEVADA

HARVEY STUMP, INDIVIDUALLY  
AND AS CO-TRUSTEE OF THE H E S  
LIVING TRUST; ELIZABETH M.  
STUMP, INDIVIDUALLY AND AS CO-  
TRUSTEE OF THE H E S LIVING  
TRUST; RAJA R. PUTHOOR,  
INDIVIDUALLY AND AS CO-TRUSTEE  
OF THE R & S REVOCABLE LIVING  
TRUST; SUBITHA J. PUTHOOR,  
INDIVIDUALLY AND AS CO-TRUSTEE  
OF THE R & S REVOCABLE LIVING  
TRUST; JAMES E. SIERK, AN  
INDIVIDUAL; AND JANE O. SIERK,  
AN INDIVIDUAL,

Appellants,

vs.

CITY OF HENDERSON, A NEVADA  
POLITICAL SUBDIVISION; LAKE AT  
LAS VEGAS JOINT VENTURE, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; LAKE LAS VEGAS  
RESORT SOUTHSORE  
RESIDENTIAL COMMUNITY  
ASSOCIATION, A NEVADA NON-  
PROFIT CORPORATION; ROGER  
WILLIAMSON, AN INDIVIDUAL; AND  
MICHAEL TOBEY, AN INDIVIDUAL,  
Respondents.

No. 51416

**FILED**

MAY 06 2008

TRACE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

08-11202

This is an appeal from a district court oral pronouncement that vacated a temporary restraining order and denied a preliminary injunction.

Respondents have filed a motion to dismiss this appeal as premature since the district court has not reduced its oral pronouncement vacating appellants' temporary restraining order and denying them a preliminary injunction to a formal written order. Appellants have opposed the motion, essentially requesting that we hold this appeal in abeyance pending the district court's entry of an appealable written judgment.

A premature notice of appeal generally fails to vest jurisdiction in this court.<sup>1</sup> An appeal is rendered premature by the absence of a formal written order, since, before the district court enters a written order on its oral pronouncement, the court "remains free to reconsider and issue a written judgment different from its oral pronouncement."<sup>2</sup> Thus, "only a written judgment has any effect, and only a written judgment may be appealed."<sup>3</sup>

Based on the documents currently before us, no written order vacating appellants' temporary restraining order and denying them a

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<sup>1</sup>Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1381 (1987).


<sup>2</sup>Id. at 688, 747 P.2d at 1382.

<sup>3</sup>Id. at 689, 747 P.2d at 1382.

preliminary injunction exists. Because the decision challenged in this appeal has not been reduced to writing, appellants' appeal is premature and thus failed to vest jurisdiction in this court.<sup>4</sup> Accordingly, as we lack jurisdiction to consider this appeal, we grant respondents' motion, and we  
ORDER this appeal DISMISSED.

 \_\_\_\_\_, J.

Maupin

 \_\_\_\_\_, J.  
Cherry

 \_\_\_\_\_, J.

Saitta

cc: Hon. Mark R. Denton, District Judge  
Charles LoBello Law Offices  
Grosbeck Group, Ltd.  
Leach Johnson Song & Gruchow  
Santoro, Driggs, Walch, Kearney, Holley & Thompson  
William E. Cooper Law Offices  
Eighth District Court Clerk

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<sup>4</sup>See NRAP 4(a)(4) and (6).