

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADAM BRUNELLI,
Appellant,

vs.

SYED HASEEBULLAH AND RAXO DRUG,
Respondents.

No. 52311

FILED

NOV 06 2009

TRACIA K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Moody
DEPUTY CLERK

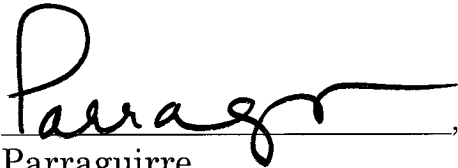
ORDER DISMISSING APPEAL

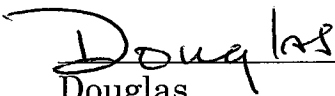
This is an appeal from a district court order dismissing a complaint. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

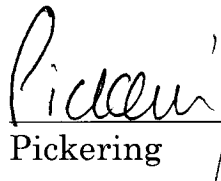
On August 11, 2009, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction, noting that it appeared that the appeal was prematurely filed before the district court ruled on a tolling motion for a new trial. See NRAP 4(a)(4). Appellant untimely responded, conceding that the district court ostensibly has not ruled on the new trial motion, despite language in an April 30, 2009, order indicating that a hearing was held to consider "all pending motions." Even if the district court considered the new trial motion at that hearing, however, the noted language does not formally resolve that motion.

Accordingly, it appears that this appeal was prematurely filed. NRAP 4(a)(6). As we lack jurisdiction, we

ORDER this appeal DISMISSED.¹


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Jackie Glass, District Judge
Paul H. Schofield, Settlement Judge
Legal Resource Group
Lewis Brisbois Bisgaard & Smith, LLP
Murchison & Cumming
Eighth District Court Clerk

¹Remand is therefore not necessary.