

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL H. GRISHAM,
Appellant,
vs.
SUSIE L. GRISHAM,
Respondent.

No. 53543

FILED

OCT 08 2009

ORDER DISMISSING APPEAL

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

Our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect. Specifically, the notice of appeal appears to be prematurely filed under NRAP 4(a)(6) because it appears that it was filed after appellant timely filed his tolling motions, on September 25, 2008, and January 22, 2009, under NRAP 4(a)(4), and before the tolling motions were formally resolved.¹ A notice of appeal is of no effect if it is filed after a timely tolling motion is filed and before the district court enters a written order finally resolving the motion. See NRAP 4(a)(6). Accordingly, as we lack jurisdiction over this appeal, we

ORDER this appeal DISMISSED.²

Cherry
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

¹We note that appellant's March 20, 2009, motion was not timely filed and thus does not constitute a motion that tolled the running of the 30-day appeal period. See NRCP 52(b); NRCP 59(b).

²In light of this order, we deny as moot all pending motions in this court and we vacate the temporary stay imposed by our August 28, 2009, order.

cc: Hon. Sandra L. Pomrenze, District Judge, Family Court Division
Michael H. Grisham
Webster & Associates
Radford J. Smith, Chtd.
Transcript Video Services, Shelly Ajoub
Eighth District Court Clerk