

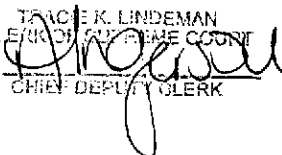
IN THE SUPREME COURT OF THE STATE OF NEVADA

BENJAMIN T. COTTMAN, AN
INDIVIDUAL,
Appellant,
vs.
THE PRIMADONNA COMPANY, LLC,
Respondent.

No. 62735

FILED

JAN 15 2015

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK


ORDER OF REVERSAL AND REMAND

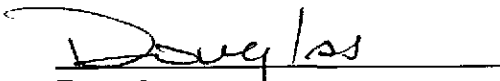
This is an appeal from a district court order granting a motion to dismiss in a tort action. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

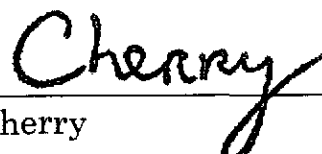
On appeal, the parties agree that appellant's complaint was "received" in the district court on April 17, 2012, the last day before the applicable statute of limitations elapsed. But because appellant's complaint was not "filed" until April 30, respondent contends that the district court properly dismissed the complaint as time-barred. We disagree with respondent and agree with appellant. *See Sullivan v. Eighth Judicial Dist. Court*, 111 Nev. 1367, 1371, 904 P.2d 1039, 1042 (1995) ("If . . . the district court grants the application [to proceed in forma pauperis], the district court must then proceed to require the filing of petitioner's other documents and to consider them in due course. Of course, for statute of limitations purposes, the complaint would have to be

considered filed on the date of actual receipt by the clerk of the district court." (citation omitted)). Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for further proceedings consistent with this order.

 J.
Parraguirre

 J.
Douglas

 J.
Cherry

cc: Hon. James M. Bixler, District Judge
Lansford W. Levitt, Settlement Judge
Law Offices of Andrew D. Taylor
Homeowner Relief Lawyers LLC
Moran Law Firm, LLC
Eighth District Court Clerk