

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAND PROPERTIES, LLC; JOHN
CARRINGTON; TAMI CARRINGTON;
AND JOHN E. CARRINGTON AND
VIRGINIA G. CARRINGTON
DECLARATION OF TRUST DATED
FEBRUARY 19, 2003,
Appellants,
vs.
DANIEL FILIPPINI; AND EDDYANN
FILIPPINI,
Respondents.

No. 63835

FILED

NOV 08 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK


ORDER DISMISSING APPEAL

This is an appeal from a district court order assessing costs and attorney fees in a water rights case. Sixth Judicial District Court, Lander County; Richard Wagner, Judge.

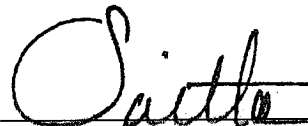
Respondents have filed a motion to dismiss this appeal, asserting that the order before this court is not an appealable order. Appellant Rand Properties, LLC has filed a response, conceding that two tolling motions to alter or amend the final judgment remain pending in the district court action and explaining that it filed its notice of appeal as a precautionary measure to preserve its right of appeal. Appellants John and Tami Carrington and the John E. Carrington and Virginia G. Carrington Declaration of Trust Dated February 19, 2003, (the Carrington Parties) have opposed the motion. Although the Carrington Parties also admit that certain matters remain pending in the district court action, they argue that the order on appeal is final as to them because they are not affected by any of the remaining issues. Alternatively, they characterize the order as a special order entered after final judgment.

The district court has entered a final judgment, and the attorneys fee order could therefore arguably be characterized as a special order after final judgment. But because the two tolling motions were timely filed, the time for filing "a notice of appeal runs *for all parties* from entry of an order disposing of the last such remaining motion." See NRAP 4(a)(4) (emphasis added). As no such order has been entered, the time for filing a notice of appeal has not yet begun, and the notices of appeal filed in this case were premature. *See id.*

Accordingly, we grant respondents' motion, and we
ORDER this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Richard Wagner, District Judge
Michael F. Mackedon
Marvel & Kump, Ltd.
Parsons Behle & Latimer/Reno
Schroeder Law Offices, P.C.
Lander County Clerk