

IN THE SUPREME COURT OF THE STATE OF NEVADA

RACHELL A. RHEIN,  
Appellant/Cross-Respondent,  
vs.  
NOAH C. RHEIN,  
Respondent/Cross-Appellant.

No. 66086

FILED

DEC 16 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
DEPUTY CLERK

*ORDER DISMISSING APPEAL AND CROSS-APPEAL*

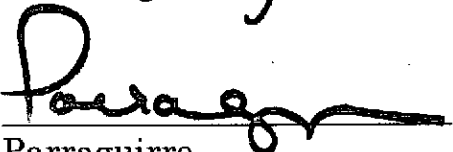
This is a pro se appeal and cross-appeal from a district court post-divorce decree order concerning child custody and parenting issues. Eighth Judicial District Court, Family Court Division, Clark County; Kenneth E. Pollock, Judge.


Our review of the documentation before this court reveals a jurisdictional defect. After the district court entered the order on June 25, 2014, respondent/cross-appellant filed a timely motion to set aside the order on July 3, 2014. It appears that the district court has not entered a written order resolving that motion. In the minutes from September 24, 2014, the district court indicated that it was divested of jurisdiction to resolve the motion while the appeals are pending. A timely post-judgment motion that seeks a substantive change to the judgment tolls the time to file a notice of appeal. See NRAP 4(a)(4); *AA Primo Builders, LLC v. Washington*, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 1190, 1194–95 (2010). Because the district court has not yet resolved the motion to set aside, jurisdiction remains in the district court, and the parties' appeals are premature. See NRAP 4(a)(6). Accordingly, we dismiss this appeal and cross-appeal

without prejudice to the right of either party to file a new timely notice of appeal once the motion to amend is resolved, if they are still aggrieved.  
See NRAP 4(a)(4).

It is so ORDERED.

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

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

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

cc: Hon. Kenneth E. Pollock, District Judge, Family Court Division  
Rachell A. Rhein  
Noah C. Rhein  
Eighth District Court Clerk