

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE DOROTHY
V. TOBIN TRUST, DATED MARCH 26,
1992.

No. 66174

JEAN CAROLYN TOBIN NEGRIN,
Appellant,
vs.
ELAINE SIMONE ARCENAS; MARK
ALEXANDER NEGRIN; PAUL
MATTHEW TOBIN; AND DOROTHY V.
TOBIN TRUST,
Respondents.

FILED

SEP 29 2014

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

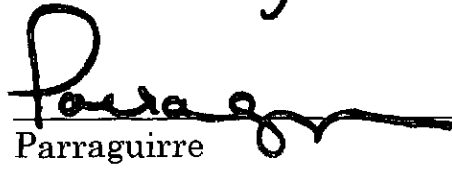
ORDER DISMISSING APPEAL


On July 31, 2014, respondent Elaine Simone Arcenas filed a motion to dismiss this appeal for lack of jurisdiction on the ground that appellant filed a timely tolling motion in the district court, which has not yet been resolved by that court in a written order. *See* NRAP 4(a)(4), (6). Appellant has filed an opposition to the motion to dismiss, asserting that she filed the notice of appeal out of an abundance of caution in order to preserve her appeal rights in the event that the district court construed her post-judgment motion as a nontolling motion for reconsideration. As appellant's district court motion was filed under NRCP 52(b) and NRCP 59, stated the grounds on which it was based with particularity, and sought a substantive change to the judgment, we conclude that it is a tolling motion under NRAP 4(a)(4). *See AA Primo Builders, LLC v. Washington*, 126 Nev. ___, ___, 245 P.3d 1190, 1195 (2010). And because no written order resolving that motion has been entered by the district

court, appellant's notice of appeal was premature, NRAP 4(a)(6), and we therefore lack jurisdiction over this appeal. Accordingly, we grant respondent's motion and order this appeal dismissed.

It is so ORDERED.¹


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Gloria Sturman, District Judge
Gerald F. Neal
Grant Morris Dodds PLLC
Goodsell & Olsen
Johnson & Johnson
Abrams Probate & Planning Group
Paul Matthew Tobin
Eighth District Court Clerk

¹In light of this order, we deny as moot appellant's September 25, 2014, motion for an extension of time to file her request for transcripts.