

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES ADAMS,
Appellant,
vs.
AMERICAN CONTRACTORS
INDEMNITY COMPANY; AMERICAN
BUILDERS AND CONTRACTORS
SUPPLY CO., INC. D/B/A ABC SUPPLY
CO., INC.,
Respondents.

No. 66588

FILED

AUG 3 1 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Millions*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting distribution of bond money deposited with the clerk of court.

Our review of the documents before us on appeal reveals a jurisdictional defect. In particular, it does not appear that the order granting distribution constitutes a final judgment or that any final judgment has been entered in the district court action. See NRAP 3A(b)(1) (providing for an appeal from a final judgment in an action or proceeding).


On January 31, 2014, Charles Bach filed a complaint in intervention in the underlying action with the district court's permission. But nothing in the record indicates that Bach's complaint was ever resolved by the district court. As a result, that complaint remains pending below and the order granting disbursement of the bond was not a final, appealable judgment. See *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000) (explaining that a final judgment is one that disposes of all issues presented in the case, and leaves nothing for the future consideration of the district court, except for post-judgment issues such as attorney fees and costs).


Moreover, even if the order distributing the bond had been an appealable final judgment, we would not have jurisdiction to consider this appeal, as appellant filed a timely motion for reconsideration of the order distributing the bond, which has not yet been resolved by the district court. See NRAP 4(a)(4)(C) (explaining that an NRCP 59 motion to alter or amend the judgment tolls the time for filing a notice of appeal); NRAP 4(a)(6) (“A premature notice of appeal does not divest the district court of jurisdiction.”); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1194-95 (2010) (recognizing that a timely post-judgment motion for reconsideration that seeks a substantive change to the judgment qualifies as a tolling motion under NRCP 59 and NRAP 4(a)(4)).

Accordingly, for the reasons set forth above, we lack jurisdiction to consider this appeal and we therefore

ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Chief Judge, Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Hon. Kerry Louise Earley, District Judge
Charles Adams
The Faux Law Group
Timothy D. Ducar
Eighth District Court Clerk