

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 36148

REGINA COWARD, MICHAEL COWARD,
KALANIE COWARD, AARON D. HOLMAN,
ERIC JORDAN,

Appellants,

vs.

THE STATE OF NEVADA, OFFICE OF THE
ATTORNEY GENERAL, EX. REL. FRANKIE
SUE DEL PAPA, ATTORNEY GENERAL,

Respondents.

FILED

JUN 13 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a final judgment upon a jury verdict. Our review of the documents submitted pursuant to NRAP 3(e) reveals a jurisdictional defect. Specifically, it appears that the notice of appeal was filed after the timely filing of a tolling motion under NRAP 4(a)(2) and before the tolling motion was formally resolved. A timely tolling motion terminates the thirty-day appeal period, and a notice of appeal is of no effect if it is filed after such a tolling motion is filed, and before the district court enters a written order finally resolving the motion. See NRAP 4(a)(2).

Here, the final judgment was entered on April 13, 2000. Notice of entry of the judgment was served by mail on April 18, 2000. A timely motion for new trial or for judgment notwithstanding the verdict was filed on April 19, 2000. Such motions toll the time in which an appeal may be taken. See NRAP 4(a)(2). While it appears that a hearing was held on the motion on May 4, 2000, no written order resolving the motion appears in the documentation before this court. The notice of

appeal, filed on May 12, 2000, is therefore premature, and fails to vest jurisdiction in the court. Accordingly, we

ORDER this appeal dismissed.

Young J.
Young

Agosti J.
Agosti

Leavitt J.
Leavitt

cc: Hon. Michael L. Douglas, District Judge
Attorney General
Joseph Vadala, Deputy Attorney General, Las Vegas
Aaron D. Holman
Kalanie Coward
Michael Coward
Eric Jordan
Regina Coward
Clark County Clerk