

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHELLEY MURAWSKI, AN  
INDIVIDUAL,

Appellant,

vs.

KELLEHER & KELLEHER, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; JOHN T. KELLEHER,  
ESQ., AN INDIVIDUAL; DEMPSEY,  
ROBERTS & SMITH, LTD., A NEVADA  
LIMITED LIABILITY COMPANY; AND  
KENNETH M. ROBERTS, ESQ., AN  
INDIVIDUAL,

Respondents.

No. 69456

**FILED**

**MAR 25 2016**

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

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order denying a motion for a protective order, granting a motion to compel attendance at a judgment debtor's examination, and granting in part an objection to a claim of exemption for execution. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

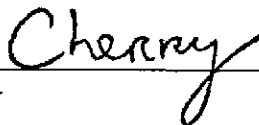
Our initial review of the docketing statement and documents before this court revealed potential jurisdictional defects. First, it appeared that the order may not be substantively appealable. Second, assuming that the order was substantively appealable, it appeared that the notice of appeal was prematurely filed after the timely filing of a tolling motion for reconsideration but before that tolling motion was formally resolved. See NRAP 4(a)(4); *AA Primo Builders v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010). Accordingly, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

In response, appellant contends that the district court order is appealable as a special order after final judgment. See NRAP 3A(b)(8). However, appellant also acknowledges that the district court has not ruled on the motion for reconsideration.

Even assuming, without deciding, that the challenged order is substantively appealable under NRAP 3A(b)(8), the notice of appeal was prematurely filed before resolution of the timely filed motion for reconsideration. See NRAP 4(a)(6) ("A premature notice of appeal does not divest the district court of jurisdiction."); *Lytle v. Rosemere Estates Prop. Owners*, 129 Nev. Adv. Op. 98, 314 P.3d 946 (2013) (a tolling motion directed at an appealable post-judgment order tolls the time to appeal from that order). Accordingly, we lack jurisdiction over this appeal and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Valerie Adair, District Judge  
Maier Gutierrez Ayon, PLLC  
Campbell & Williams  
Lipson Neilson Cole Seltzer & Garin, P.C.  
Durham Jones & Pinegar/Las Vegas  
Eighth District Court Clerk