

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID ERNEST LOPEZ, AN  
INDIVIDUAL,  
  
Appellant,  
  
vs.  
JAMES DANIEL BENNETT, AN  
INDIVIDUAL,  
  
Respondent.

No. 69551

**FILED**

**MAY 03 2016**

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

*ORDER DISMISSING APPEAL*

This is an appeal from a district court summary judgment in a tort action. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

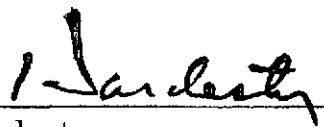
Our initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect. Specifically, it appeared that the notice of appeal was filed after the timely filing of a tolling motion seeking reconsideration and before the tolling motion was formally resolved. 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.

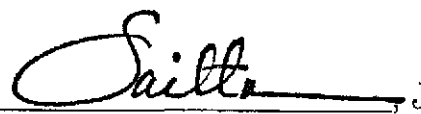
In response, appellant indicates that a motion for reconsideration was filed in the district court, and admits that no formal written order disposing of the motion has been entered. See *Rust v. Clark Cnty. Sch. Dist.*, 103 Nev. 686, 747 P.2d 1380 (1987) (explaining that a minute order is ineffective for any purpose).

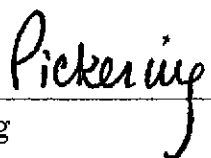
Thus, it appears the notice of appeal was prematurely filed before resolution of the timely filed motion for reconsideration. See NRAP 4(a)(6) ("A premature notice of appeal does not divest the district court of

jurisdiction"); *AA Primo*, 126 Nev. at 585, 245 P.3d at 1195 (recognizing that a timely filed motion for reconsideration may toll the appeal period). Accordingly, we lack jurisdiction over this appeal and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Hardesty

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

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

cc: Hon. Eric Johnson, District Judge  
Persi J. Mishel, Settlement Judge  
Robert W. Curtis & Associates, LLC  
Law Offices of Karl H. Smith  
Eighth District Court Clerk