

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY RIDGE,
Appellant,
vs.
J. MICHAEL SUNDE, AN
INDIVIDUAL; AND VIKTORIYA
SOKOL SUNDE, AN INDIVIDUAL,
Respondents.

No. 75835

FILED

AUG 03 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order granting summary judgment and imposing sanctions. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

We entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction because it appeared that the notice of appeal was prematurely filed after the timely filing of a tolling motion for reconsideration but before the tolling motion was formally resolved. *See* NRAP 4(a)(4), (6); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190, 1195 (2010).

In response to our order, appellant proposes that the district court has failed to timely resolve the motion for reconsideration and that appellant is willing to withdraw the motion. Appellant fails, however, to demonstrate that the motion has been withdrawn; it appears, therefore, that the motion for reconsideration remains pending in the district court and the notice of appeal was prematurely filed. NRAP 4(a)(6). "A premature

notice of appeal does not divest the district court of jurisdiction." *Id.*
Accordingly, we conclude that we lack jurisdiction and we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Kathleen M. Drakulich, District Judge
Lee T. Hotchkin, Jr.
J. Michael Sunde
Viktoriya Sokol Sunde
Washoe District Court Clerk