

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID SHARE, AS TRUSTEE OF THE
DAVID SHARE REVOCABLE LIVING
TRUST,

Appellant,

vs.

REPUBLIC SERVICES, INC., A
FOREIGN CORPORATION,

Respondent.

No. 76335

FILED

AUG 03 2018

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

ORDER DISMISSING APPEAL

This is a pro se appeal from an order granting summary judgment. Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals certain jurisdictional defects. Specifically, the notice of appeal appears to be untimely filed under NRAP 4(a) because it appears that it was filed after the timely filing of a tolling motion for reconsideration under NRAP 4(a)(4) and before the motion for reconsideration 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)(4).

In addition, it appears that the district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its order granting summary judgment as to appellant as final pursuant to NRCP 54(b). *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rae v. All American Life & Cas. Co.*, 95

Nev. 920, 605 P.2d 196 (1979). The following parties appear to remain below: Walter Elbik and Jaqueline Medina.

Accordingly, we conclude that we lack jurisdiction, and we ORDER this appeal DISMISSED.¹

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Richard Scotti, District Judge
David Share
Williams Starbuck
Eighth District Court Clerk

¹Appellant's motion filed August 2, 2018, is denied.