

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRISWELL RADOVAN, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; CR CAL NEVA, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; ROBERT RADOVAN;  
WILLIAM CRISWELL; AND POWELL  
COLEMAN AND ARNOLD LLP,  
Appellants,


vs.

GEORGE STUART YOUNT,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS OWNER OF GEORGE  
STUART YOUNT IRA,  
Respondent.

No. 77987

**FILED**

SEP 04 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from a “final judgment” entered by the district court on March 13, 2018. Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

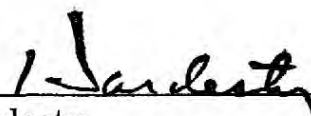
The notice of appeal was filed after the district court declined to act on tolling motions timely filed after entry of the March 13, 2018, “final judgment.” Because no appeal lies from an order declining to take action on a motion, this court entered an order directing appellants to show cause why the appeal should not be dismissed for lack of jurisdiction. Appellants have responded to this court’s order, and this court concludes that it lacks jurisdiction over this appeal.


After trial, on September 15, 2017, the district court entered an amended order setting forth its specific holdings as to damages, attorney fees, and costs. Respondents appealed from that order in *Yount vs. Criswell Radovan, LLC.*, Docket No. 74275, and this court confirmed that the

amended order is the final appealable judgment in the action. *See Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 445, 874 P.2d 729, 733 (1994) (the appealability of an order or judgment depends on “what the order or judgment actually does, not what it is called”); *see also Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment as “one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney’s fees and costs” (internal quotation marks and citation omitted)). The notice of appeal filed in Docket No. 74275 divested the district court of jurisdiction to take action on matters related to the issues on appeal. *See Rust v. Clark County School Dist.*, 103 Nev. 686, 747 P.2d 1380 (1987) (the filing of a timely notice of appeal divests the district court of jurisdiction to act and vests jurisdiction in the supreme court). Consequently, the district court lacked jurisdiction to enter the “final judgment” on March 13, 2018, and the order is void.

The district court’s minute order declining to take action on appellants’ tolling motions is likewise unappealable. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). This court lacks jurisdiction and

ORDERS this appeal DISMISSED.

, J.  
Hardesty

, J.  
Stiglich

, J.  
Silver

cc: Hon. Jerome M. Polaha, District Judge  
Ara H. Shirinian, Settlement Judge  
Howard & Howard Attorneys PLLC  
Lewis Roca Rothgerber Christie LLP/Las Vegas  
Washoe District Court Clerk