IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHAD ESTUS,
Appellant,
vs.
HEATHER ESTUS,
Respondent.

No. 69250

FILED

JUL 28 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order awarding child support and denying child support arrears. On May 24, 2016, this court issued an order to show cause why this appeal should not be dismissed as premature because it appeared that a timely-filed motion for reconsideration remained pending in the district court. *See* NRAP 4(a)(6). In responding to the order to show cause, we indicated that appellant should submit documentation demonstrating this court's jurisdiction over the appeal, which would include a written, file-stamped district court order resolving the reconsideration motion. Appellant filed his response to the order to show cause on June 14, 2016, and, rather than filing a written order, instead asserted that the district court's minutes and the file-stamped notice of entry of those minutes served on the parties by the district court somehow constituted a final written decision on the reconsideration motion, and, thus, jurisdiction was properly vested with this court. Respondent did not file a reply.

Having reviewed the record and appellant's argument in response to our show cause order, we conclude that we lack jurisdiction

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over this appeal. Here, the district court orally ruled on the motion for reconsideration of its order regarding child support and arrears and that oral ruling was recorded in the district court minutes, which identified this oral ruling as a "minute order." The district court then served notice of entry of these minutes on the parties, and the notice of entry, but not the minutes themselves, bears a district court file stamp. The Nevada Supreme Court has held that a so-called "minute order" is ineffective for the purpose of finally resolving a matter so as to allow an appeal to be taken. *Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987). An oral ruling of this nature, even if it is recorded in the minutes, only becomes effective for the purpose of allowing an appeal to be taken once it has been memorialized in a signed, written, file-stamped order. *See id.*; *see also Div. of Child & Family Servs., Dep't of Human Res. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004).

In this case, only the minutes reflect the district court's ruling on the motion for reconsideration. A signed, written, file-stamped order memorializing that decision has not been entered.[1] And until such an order has been entered, the motion for reconsideration remains pending

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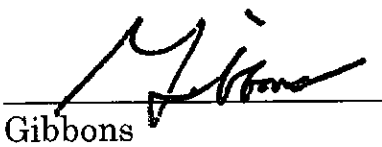
[1]The fact that the district court filed the notice of entry of the minutes that it served upon the parties does not change our analysis of this matter—as precedent from our supreme court makes clear that only a signed, written, file-stamped order may be appealed, *see Rust*, 103 Nev. at 689, 747 P.2d at 1382; *see also Div. of Child & Family Servs*, 120 Nev. at 454, 92 P.3d at 1245, and the purported "minute order" attached to this notice does not satisfy this requirement.

below, rendering this appeal premature. *Rust*, 103 Nev. at 689, 747 P.2d at 1382. As a result, we lack jurisdiction over this appeal, *see* NRAP 4(a)(6), and the appeal must therefore be dismissed.

It is so ORDERED.



_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Silver

cc: Hon. Mathew Harter, District Judge
Carolyn Worrell, Settlement Judge
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas
Shawanna L. Johnson
Eighth District Court Clerk