

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOE PANICARO,  
Appellant,  
vs.  
STOREY COUNTY; GERALD  
ANTINORO; AND ANNE M. LANGER,  
ESQ.,  
Respondents.

No. 80264-COA

**FILED**

**MAR 30 2021**

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

*ORDER DISMISSING APPEAL*

Joe Panicaro appeals from a district court order dismissing a petition for a writ of mandamus seeking disclosure of public records. First Judicial District Court, Storey County; James Todd Russell, Judge.


Our review of the documents before us reveals a jurisdictional defect. Specifically, following entry of the challenged order, appellant filed a motion for reconsideration. And when such a motion is filed within the time set forth in NRCP 59(e) and requests a substantive change to the order from which relief is sought, the motion tolls the time for filing a notice of appeal. *See* NRAP 4(a)(4)(C) (explaining that an NRCP 59(e) motion tolls the time for filing a notice of appeal); *see also AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (recognizing that a timely-filed post judgment motion for reconsideration that seeks a substantive change to the challenged order qualifies as a tolling motion under NRCP 59(e) and NRAP 4(a)(4)).

Here, the district court docket sheet demonstrates that no written order resolving the motion for reconsideration has been entered. Under these circumstances, appellant's notice of appeal was premature, and

thus, it did not divest the district court of jurisdiction or vest jurisdiction in the appellate courts. *See* NRAP 4(a)(6) (“A premature notice of appeal does not divest the district court of jurisdiction.”). Accordingly, because we lack jurisdiction over this appeal, we necessarily

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. James Todd Russell, District Judge  
Joe Panicaro  
Storey County District Attorney  
Storey County Clerk