

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDI ABTS, AN INDIVIDUAL,  
Appellant,  
vs.  
CYNTHIA ARNOLD-ABTS, AN  
INDIVIDUAL,  
Respondent.

No. 81298-COA

**FILED**

**AUG 30 2021**

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

*ORDER DISMISSING APPEAL*

Brandi Abts appeals from a final judgment following a short trial in a tort action. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.<sup>1</sup>

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. Specifically, it appears that Brandi filed a timely motion for a new trial under NRCP 59(a) below,<sup>2</sup> but before that motion could be addressed, she subsequently filed a notice of appeal from the final judgment in her tort case. Because Brandi filed her notice of appeal before a written order resolving her NRCP 59(a) motion was entered, her appeal was prematurely filed. See NRAP 4(a)(4)(D) (providing that a timely motion for a new trial under NRCP 59 tolls the time for filing a notice of appeal); NRAP 4(a)(6) (providing that “[a] premature notice of appeal


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<sup>1</sup>William R. Killip, Pro Tempore Judge, served as the short trial judge in this case.

<sup>2</sup>The motion also sought relief under NRCP 60(b).

does not divest the district court of jurisdiction"). Accordingly, we conclude that we lack jurisdiction over Brandi's premature appeal,<sup>3</sup> and we therefore  
ORDER this appeal DISMISSED.

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

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

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

cc: Hon. Ronald J. Israel, District Judge  
William R. Killip, Pro Tempore Judge  
Brandi Abts  
Patricia A. Marr, Ltd.  
Eighth District Court Clerk

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<sup>3</sup>Nonetheless, Brandi may file a new notice of appeal once the district court enters an order resolving her NRCP 59 motion.