

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIANELLA GUADAMUD, AN
INDIVIDUAL,
Appellant,
vs.
ELIZABETH GALANTUOMINI, AN
INDIVIDUAL,
Respondent.

No. 83266

FILED

OCT 28 2021

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order dismissing a complaint. Eighth Judicial District Court, Clark County; Nadia Krall, Judge.

On October 12, 2021, this court entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Within that order, this court deferred ruling on the parties' stipulation to remand this matter to the district court pursuant to *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), and dismiss this appeal. Appellant has now filed a copy of an October 18, 2021, district court order certifying the district court's intent to grant relief from the order challenged on appeal under *Huneycutt*.

As stated in the October 12, 2021, order, it appears that the notice of appeal was prematurely filed after the filing of a timely tolling motion in the district court but before entry of a written order finally resolving that tolling motion. See NRAP 4(a)(4); NRAP 4(a)(6). It thus appears no remand is necessary because the prematurely filed notice of appeal did not divest the district court of jurisdiction in this matter. NRAP 4(a)(6) ("A premature notice of appeal does not divest the district court of jurisdiction."). Nevertheless, given the entry of the district court's October

18, 2021, order, the parties' stipulation is approved insofar as it seeks dismissal of this appeal, and this court

ORDERS this appeal DISMISSED.¹

1 Jardesty, C.J.

cc: Hon. Nadia Krall, District Judge
Michael H. Singer, Settlement Judge
Law Office of Karen H. Ross
Anderton & Associates
Eighth District Court Clerk

¹Given this dismissal, appellant need not file a response to this court's October 12, 2021, order to show cause.