

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON
AND ESTATE OF HAYWOOD HOLZER,
PROTECTED PERSON.

No. 82832

HUMBOLDT COUNTY DISTRICT
ATTORNEY, AS PUBLIC GUARDIAN,

Appellant,

vs.

HAYWOOD HOLZER,

Respondent.

FILED

APR 29 2022

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

ORDER DISMISSING APPEAL

This is an appeal from an order adopting and affirming a court master's recommendation with regard to sealing an exhibit, denying a trial de novo on the sealing of the exhibit, and rejecting appellant's objection to being directed to open a bank account for respondent, a protected person. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Because it appeared both that the order appealed from was not substantively appealable and that a timely motion to alter or amend the order remained pending in the district court, this court directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant has responded and respondent has filed a reply. Appellant explains that the order appealed from addresses an audit ordered by the district court to be conducted by the Nevada State Guardianship Compliance Office of respondent's assets and personal financial circumstances. Appellant objected to alleged inaccuracies in the audit and sought a trial de novo on the district court's affirmance of those inaccuracies. But nothing in the district court's order finally resolves the

original petition for the appointment of a guardian or alters the rights and obligations of the parties arising from the appointment of a guardian. Accordingly, it appears appellant's remedy is through a petition for extraordinary relief.

Appellant further concedes that the motion to alter or amend, filed pursuant to NRCP 52(b), remains pending in the district court. A timely tolling motion terminates the 30-day appeal period, and a notice of appeal is of no effect if it is filed after such a tolling motion is filed, and before the district court enters a written order finally resolving the motion. See NRAP 4(a)(4). Accordingly, the notice of appeal was prematurely filed, and this court

ORDERS this appeal DISMISSED.

Silver, J.
Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Hon. Michael Montero, District Judge
Carolyn Worrell, Settlement Judge
Humboldt County District Attorney
Miller Law, Inc.
Humboldt County Clerk