

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESLEY RUSCH, AN INDIVIDUAL,
Appellant,

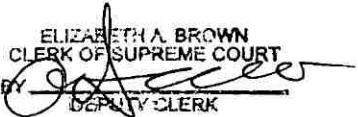
vs.

THE MARTIN CONDOMINIUM UNIT
OWNERS' ASSOCIATION, A
DOMESTIC NON-PROFIT,
Respondent.

No. 85084

FILED

AUG 08 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from an order granting respondent's motion to dismiss, or in the alternative, motion for summary judgment and possibly from an order "Granting In Part, And Denying In Part, The Martin Condominium Unit Owners Association's Motion For (1) Pre-Filing Order Against Plaintiffs Pursuant To Nevada's Vexatious Litigant Standard And (2) An Award Of Attorney's Fees And Costs Resulting From Plaintiffs' Ongoing Vexatious Conduct." Eighth Judicial District Court, Clark County; Nancy L. Alf, Judge.

Review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, the notice of appeal was filed after the timely filing of a tolling motion under NRAP 4(a)(4) and before the tolling motion was formally resolved. 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; this court lacks jurisdiction, and

ORDERS this appeal DISMISSED.

Silver, J.
Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Hon. Nancy L. Allf, District Judge
Wesley Rusch
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk