

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNITED HEALTHCARE INSURANCE
COMPANY, A CONNECTICUT
CORPORATION; UNITED
HEALTHCARE SERVICES, INC., D/B/A
UNITEDHEALTHCARE, A
MINNESOTA CORPORATION; UMR,
INC., D/B/A UNITED MEDICAL
RESOURCES, A DELAWARE
CORPORATION; SIERRA HEALTH
AND LIFE INSURANCE COMPANY,
INC., A NEVADA CORPORATION; AND
HEALTH PLAN OF NEVADA, INC., A
NEVADA CORPORATION,

Appellants,

vs.

FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD., A NEVADA
PROFESSIONAL CORPORATION;
TEAM PHYSICIANS OF NEVADA-
MANDAVIA, P.C., A NEVADA
PROFESSIONAL CORPORATION; AND
CRUM, STEFANKO AND JONES, LTD.,
D/B/A RUBY CREST EMERGENCY
MEDICINE, A NEVADA
PROFESSIONAL CORPORATION,

Respondents.

No. 84558

FILED

SEP 29 2022

ELIZABETH J. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment on a jury verdict. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

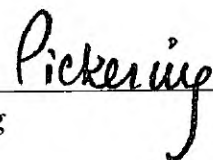
When initial review of the notice of appeal revealed a jurisdictional defect, this court ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, it appeared that the notice of appeal was prematurely filed in the district court after the filing of timely tolling motions but before those motions were formally resolved in a written order entered by the district court. *See* NRAP 4(a)(6). In response, appellants explain that the district court has entered an order resolving the motion for relief under NRCP 59(e), but has yet to resolve the motions seeking relief under NRCP 50(b) and NRCP 59(a). Appellants have also filed an amended notice of appeal challenging the denial of the motion seeking NRCP 59(e) relief, and orders awarding attorney fees and costs.

Appellants do not dispute that the notice of appeal was prematurely filed after the timely filing of tolling motions and before those motions were resolved in a written order entered by the district court. *See* NRAP 4(a)(4); NRAP 4(a)(6). And appellants concede that two of those motions remain pending in the district court. This court therefore lacks jurisdiction to consider the appeal from the judgment on jury verdict. *See* NRAP 4(a)(6) (“A premature notice of appeal does not divest the district court of jurisdiction.”). For the same reason, this court lacks jurisdiction to consider the appeal from the orders awarding attorney fees and costs identified in the amended notice of appeal. *See Winston Prods. Co. v. DeBoer*, 122 Nev. 517, 526, 314 P.3d 726, 732 (2006) (holding that timely

filed tolling motions toll the time to appeal from both the final judgment and special orders after final judgment). Accordingly, this court

ORDERS this appeal DISMISSED.¹


_____, J.
Cadish


_____, J.
Pickering


_____, Sr. J.
Gibbons

cc: Hon. Nancy L. Alf, District Judge
Lansford W. Levitt, Settlement Judge
Lewis Roca Rothgerber Christie LLP/Las Vegas
O'Melveny & Myers LLP/Los Angeles
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas
O'Melveny & Myers LLP/Wash DC
O'Melveny & Myers LLP/New York
McDonald Carano LLP/Las Vegas
Lash & Goldberg LLP/Ft. Lauderdale
Bailey Kennedy
Ahmad, Zavistanos, Anaipakos, Alavi & Mensing, P.C./Houston
Eighth District Court Clerk

¹The Honorable Mark Gibbons, Senior Justice, participated in this matter under a general order of assignment.