

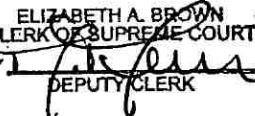
IN THE SUPREME COURT OF THE STATE OF NEVADA

UMC PHYSICIANS' BARGAINING UNIT
OF NEVADA SERVICE EMPLOYEES
UNION, SEIU LOCAL 1107, AFL-CIO,
CLC, AN EMPLOYEE ORGANIZATION;
DEBORAH BOLAND, M.D.; JOEL
CANGA, M.D.; EDGAR L. COX, M.D.;
ANDREA FONG, D.O.; NEIL W.
GOODSELL, M.D.; DEBORAH
GOODWIN, M.D.; MARIA MARTINEZ,
M.D.; JOHN NEPOMUCENO, M.D.;
GEORGE OEHLSEN, D.O.; ARDESHIR
ROHANI, M.D.; ERNESTO RUBIO, M.D.;
TIMOTHY SCHRADER, M.D.; RONALD
TAYLOR, M.D.; BRADLEY WALKER,
M.D.; AND MICHAEL S. TANNER AS
SPECIAL ADMINISTRATOR OF THE
ESTATE OF STERLING TANNER, M.D.,
AS INDIVIDUAL LOCAL GOVERNMENT
EMPLOYEES AND MEMBERS OF THE
UMC PHYSICIANS' BARGAINING UNIT
OF NEVADA SERVICE EMPLOYEES
UNION, SEIU LOCAL 1107, AFL-CIO,
CLC,
Appellants,
vs.
NEVADA SERVICE EMPLOYEES
UNION, SEIU LOCAL 1107, AFL-CIO, A
NONPROFIT COOPERATIVE
CORPORATION,
Respondent.

No. 85446

FILED

NOV 07 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion for summary judgment. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

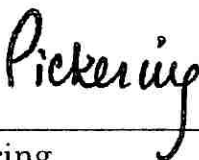
On October 7, 2022, respondent filed a motion to dismiss this appeal for lack of jurisdiction. Respondent asserts that the appeal is premature because appellants timely filed a motion for reconsideration that

sought relief under NRCP 52(b) and NRCP 59 and the district court has not yet resolved the motion. Appellants oppose the motion, arguing that the notice of appeal is not premature because they filed the notice of appeal after the written judgment was entered. Appellants argue that even if their motion for reconsideration is considered a tolling motion, under NRAP 4(a)(6), upon entry of the district court order resolving the motion for reconsideration, jurisdiction will be properly vested in this court.

The record before this court demonstrates appellants filed the notice of appeal after filing the motion for reconsideration. The motion for reconsideration was a timely filed tolling motion under NRAP 4(a)(4). *See AA Primo Builders v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010) (a motion for reconsideration may be considered a tolling motion to alter or amend). The tolling motion has not yet been resolved. A timely tolling motion tolls 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). Further, “[t]his court may dismiss as premature a notice of appeal filed after the oral pronouncement of a decision or order but . . . before entry of the written disposition of the last-remaining timely motion listed in Rule 4(a)(4).” NRAP 4(a)(6). Accordingly, we conclude this court lacks jurisdiction. The motion to dismiss is granted and we

ORDER this appeal DISMISSED.¹


_____, J.
Cadish


_____, J.
Pickering


_____, Sr.J.
Gibbons

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

cc: Hon. Ronald J. Israel, District Judge
Stephen E. Haberfeld, Settlement Judge
Rodriguez Law Offices, P.C.
Christensen James & Martin
Eighth District Court Clerk