

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES A. GRYBOWSKI, A/K/A JAY
GRYBOWSKI,

Appellant,

vs.

DEBRA GRYBOWSKI,

Respondent.

No. 85285

FILED

JAN 06 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order reducing arrears from a divorce decree to judgment and related relief. Eighth Judicial District Court, Family Court Division, Clark County; Nadin Cutter, Judge.

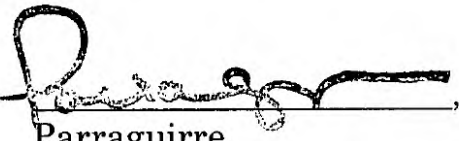
This court's preliminary review of the notice of appeal and documents before this court revealed a potential jurisdictional defect. Specifically, it appeared the notice of appeal was prematurely filed in the district court after the filing of a timely tolling motion for reconsideration but before that motion has been formally resolved in a written order entered in the district court. *See* NRAP 4(a)(4) (regarding tolling motions); *AA Primo Builders LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (describing when a post-judgment motion carries tolling effect). Accordingly, this court entered an order directing appellant to show cause why the appeal should not be dismissed for lack of jurisdiction.

Appellant has responded and concedes that the motion for reconsideration should be construed as a tolling motion and that the district

court has not yet resolved the motion. See *AA Primo Builders*, 126 Nev. at 585, 245 P.3d at 1195. Accordingly, this court lacks jurisdiction, and
ORDERS this appeal DISMISSED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre

cc: Hon. Nadin Cutter, District Judge, Family Court Division
Israel Kunin, Settlement Judge
TCM Law
Debra Grybowski
Eighth District Court Clerk