


IN THE SUPREME COURT OF THE STATE OF NEVADA

HENRY CROCKETT, II, D/B/A STATE
FARM,
Appellant,
vs.
2960 ST. ROSE PARKWAY, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,
Respondent.

No. 86453

FILED

MAY 19 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from an order granting a renewed motion for summary judgment. Eighth Judicial District Court, Clark County; Adriana Escobar, Judge.

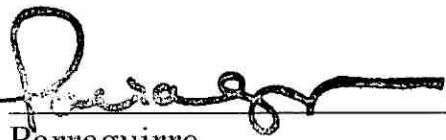
Review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, the notice of appeal was prematurely filed because it was filed after the timely filing of a tolling motion under NRAP 4(a)(4) and before the tolling motion has been formally resolved. *See AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010). 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)*. The district court docket entries reflect that appellant's motion to set aside the order granting the renewed motion for summary judgment has not been resolved, and the district court has taken appellant's "Recommence Motion to Set Aside" the motion off calendar. Until the district court enters a final written order resolving the motion to set aside, the motion remains pending and this appeal is premature. *See NRAP 4(a)(1); Rust v. Clark Cty. School District*,

103 Nev. 686, 747 P.2d 1380 (1987). This court lacks jurisdiction and therefore

ORDERS this appeal DISMISSED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre

cc: Hon. Adriana Escobar, District Judge
Henry Crockett, II
Law Office of Mitchell Stipp
Eighth District Court Clerk