

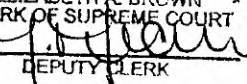
IN THE SUPREME COURT OF THE STATE OF NEVADA

ARNOLDO RIMANDO,
Appellant,
vs.
KUNG & BROWN,
Respondent.

No. 86967

FILED

SEP 08 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge. Review of the notice of appeal and documents before this court reveals a jurisdictional defect.

Appellant's notice of appeal does not identify the order he is appealing. To the extent appellant appeals from the district court's August 31, 2022, findings of fact, conclusions of law and order granting defendant's motion to dismiss or for summary judgment and for sanctions, it appears the notice of appeal was prematurely filed in the district court after the timely filing of a tolling motion seeking reconsideration on September 27, 2022,¹ but before the district court entered a written order denying that motion. 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). To date, it appears this motion remains pending in the district court.

¹The motion was titled "Opposition to Findings of Fact, Conclusions of Law, and Order Granting Defendant Kung & Brown's Motion to Dismiss, Alternatively for Summary Judgment & for Sanctions Pursuant to NRS 18.010(2)."

To the extent appellant appeals from the district court's November 30, 2022, order awarding attorney fees and costs, the notice of appeal is also premature because the tolling motion directed at the August 31, 2022, final judgment also tolled the time to appeal from this special order after final judgment. *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).

This court lacks jurisdiction to consider a premature notice of appeal. NRAP 4(a)(6). Accordingly, this court

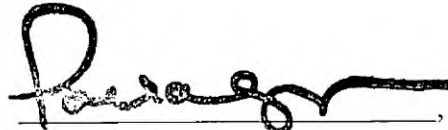
ORDERS this appeal DISMISSED.²



_____, J.
Herndon



_____, J.
Lee



_____, J.
Parraguirre

cc: Hon. Joseph Hardy, Jr., District Judge
Arnoldo Rimando
Eric Roy Law Firm
Eighth District Court Clerk

²Appellant may file a new notice of appeal, if aggrieved, once the district court enters a written order resolving his September 27, 2022, motion.

Appellant has filed a pro se letter requesting counsel on appeal. The letter is treated as a motion, *see* NRAP 27(a)(1), and given this dismissal, is denied.