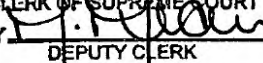IN THE SUPREME COURT OF THE STATE OF NEVADA

GIANA L. CURRERI,
Appellant,

vs.

MARCUS C. MAYHALL,
Respondent.

No. 87834

FILED

FEB 02 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
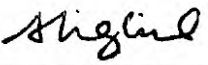BY_____
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion to modify custody. Second Judicial District Court, Family Division, Washoe County; Tamatha Schreinert, Judge.
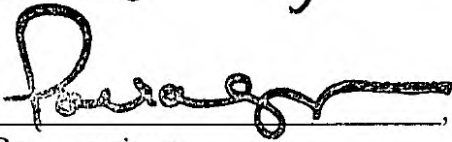
Our preliminary review of the notice of appeal and the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the notice of appeal was filed after the timely filing of a tolling motion and before the tolling motion was formally resolved. NRAP 4(a)(4)(C). 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)(6). This court may dismiss as premature a notice of appeal filed before entry of the written disposition of the last remaining timely motion listed in NRAP 4(a)(4). *See AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (explaining when a motion for reconsideration has tolling effect under NRAP 4(a)(4)(C)); NRAP 4(a)(6). Appellant filed a "Complaint and Objection to Final Order after Trial on the Grounds of Inconsistencies with Court's Statements" on December 11, 2023. The notice of appeal was filed on December 20, 2023. Appellant effectively filed a timely motion for

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reconsideration, which has not yet been formally resolved. *Cf. Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 445, 874 P.2d 729, 733 (1994) (this court looks to what an order or judgment actually does, not at what it is called). Accordingly, the notice of appeal was prematurely filed, and we

ORDER this appeal DISMISSED.

_____, J.
Stiglich

_____, J.
Pickering

_____, J.
Parraguirre

cc: Hon. Tamatha Schreinert, District Judge, Family Division
        Giana L. Curreri
        O'Mara Law Firm, P.C.
        Washoe District Court Clerk