

IN THE SUPREME COURT OF THE STATE OF NEVADA

BASHIR A. CHOWDHRY, M.D., AND
KAUSAR CHOWDHRY,
INDIVIDUALLY AND AS TRUSTEES
FOR THE CHOWDHRY FAMILY
TRUST; AND THE CHOWDHRY
FAMILY TRUST,

Appellants,

vs.

P.M.R. DEVELOPMENT, INC.,
Respondent.

No. 40187

FILED

MAR 12 2004

JANET M. LECHE
CLERK OF SUPREME COURT
BY *J. Richards*
DEPUTY CLERK

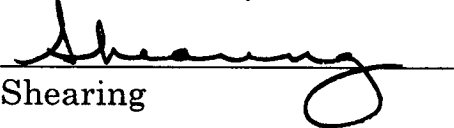
ORDER DISMISSING APPEAL

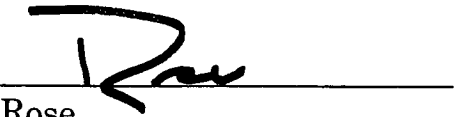
On February 13, 2003, this court entered an order directing appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, that order noted that it appeared the notice of appeal was filed after the timely filing of a tolling motion under NRAP 4(a)(2), and before the tolling motion was formally resolved. We further noted that a timely tolling motion terminates the 30-day appeal period, and that 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 resolving the tolling motion. See NRAP 4(a)(2).

Appellants have filed a response to our order to show cause. In the response, appellants concede that this court has no jurisdiction because "the notice of appeal was premature" and that this appeal "should be dismissed." Accordingly, we conclude that we lack jurisdiction and we dismiss this appeal.

Respondent has moved for fees and sanctions. Appellants oppose the motion. No good cause appearing, we deny respondent's motion.

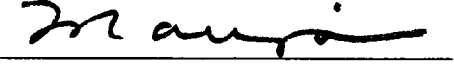
It is so ORDERED.


_____, C.J.
Shearing


_____, J.
Rose

MAUPIN, J., dissenting:

Because of my view of the rule applied in this case, I dissent.


_____, J.
Maupin

cc: Hon. Robert E. Estes, District Judge
Jerry J. Kaufman, Settlement Judge
Beckley Singleton, Chtd./Las Vegas
Gage & Gage, LLP
Clark County Clerk