

IN THE SUPREME COURT OF THE STATE OF NEVADA

PROIMTU MMI LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Appellant,

vs.

TRP INTERNATIONAL, INC., A
DELAWARE CORPORATION,

Respondent.

No. 70056

FILED

JUL 20 2016

TRACIE K. WINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER

This is an appeal from a judgment certified as final pursuant to NRCP 54(b) in a breach of contract action. When our initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the notice of appeal was prematurely filed after the filing of a timely motion to amend judgment, and before that tolling motion was resolved in a written order. *See* NRAP 4(a)(6). It appeared that the tolling motion remained pending in the district court.

Appellant has filed a response and supplemental response in which it informs this court that there is a question of whether the motion was timely filed in the district court; although the motion was submitted to the clerk on March 11, 2016, it was not filed until March 15, 2016. Appellant asks that this court refrain from acting on the order to show cause until the district court enters a written order determining whether the motion was timely filed.

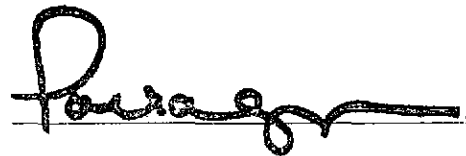
We elect to treat the response and supplemental response as a request for an extension of time to file a response to the order to show cause. Cause appearing, we grant the motion. NRAP 26(b)(1)(A).

16-22610

Appellant shall have 20 days from the date of this order to inform this court, in writing, of the status of the district court proceedings and provide this court with a copy of any written order regarding the date of filing of the motion to amend judgment.

We note that, should the district court determine that the motion to amend was timely filed, the notice of appeal was prematurely filed before resolution of that motion. NRAP 4(a)(4). The district court is not divested of jurisdiction when a notice of appeal is premature and may thus rule on the motion without a remand from this court. NRAP 4(a)(6).

It is so ORDERED.

 C.J.

cc: Chief Judge, The Fifth Judicial District Court
Hon. Steven Elliott, Senior Judge
Fennemore Craig, P.C./Las Vegas
Pintar Albiston LLP
Nye County Clerk