

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

Brian Kerry O'Keefe,)
)
Appellant,)
)
 -VS-)
)
THE STATE OF NEVADA,)
)
)
)
Respondents,)
)

Case No. 77797

FILED

JAN 15 2019

ELIZABETH A. BROWN
 CLERK OF SUPREME COURT
 BY [Signature]
 DEPUTY CLERK

MOTION TO DISMISS EXISTING APPEAL AS
SON CASE NO. 77797 FOR EIGHTH JUDICIAL
DISTRICT COURT HAS NOT ENTERED A
FINAL JUDGMENT AND HAS SCHEDULED
A HEARING ON O'KEEFE'S N.R.C.P. 59(e)
MOTION SCHEDULED JANUARY 30, 2019 09:00AM

• Brian Kerry O'Keefe, plaintiff, still wishes to, to humbly request this Court either "stay" the current appeal until disposition of the written notice of a "possible" denial of O'Keefe's Motion to Alter or Amend Judgment pursuant Nev. R.C.P. 59(e) timely filed of (For Judicial Economy / Administration)

• O'Keefe's appeal no. 77797, "without prejudice," for O'Keefe the right to file new Notice of Appeal [even should No A.] subsequent any denial, where the new notice of appeal will be filed within (30) days after written notice of said denial of 59(e) Motion.

• SEE Able Elec. Inc. v. Kaufman, 104 Nev. 29, 752 P.2d 211 (1988); N.R.A. 4
 O'Keefe was notified by the district court, in a minute order, that the Court denied petition on 12/15/2018 where O'Keefe filed a 59(e) Motion and Noel simultaneously filed on 12/24/2018. However, Court never filed final order but instead scheduled hearing for 59(e) motion on 1/30/2019. Don K. [Signature]
 January 11, 2019 pursuant NRS 208-465, by:

LCCLL FORM 28.014

RECEIVED

JAN 15 2019

ELIZABETH A. BROWN
 CLERK OF SUPREME COURT
 DEPUTY CLERK

EN 2: STAY proceedings until disposition of HEARING 1/30/2019 AND NOTICE OF DECISION if O'Keefe is notified of a denial, appellant then will file Amended Not.

19-07414

S.C.N. NO. 77797 CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing
(check appropriate box)

☐ Opening Brief

☐ Reply Brief

☒ Motion: MOTION TO DISMISS [OR STAY]

☐ Petition:

☐ Other:

to the below address(es) on this 11th day of January, 2019, by
placing same in the hands of prison staff for posting in the U.S. Mail, per
Nev.R.App.P. 25: Brief SLP No. 2285092

EIGHTH JUDICIAL DISTRICT COURT DEPT. XXV
212 CLERK OF THE COURT 8TH JUDICIAL
200 LEWIS AVE., 3RD FLOOR
ATENO, FURNACE WIDOW, TERRY A.
120 Vegas, Nevada 89135

Attorney For NO PARTIES APPEARED

☒ and ORIGINAL AND ONE COPY to:

Clark A. H. County
Nevada Superior Court
211 S. Carson Street
Suite 201
Carson City, Nevada 89101

Brian K. O'Connell
Brian K. O'Connell # 71244
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Plaid M In Pro Per