

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES LAM, INDIVIDUALLY AND
DERIVATIVELY ON BEHALF OF
TRAN ENTERPRISES, LLC, A NEVADA
LIMITED LIABILITY COMPANY, AND
AS TRUSTEE OF THE NT
REVOCABLE LIVING TRUST DATED
THE 15TH OF OCTOBER 2009,
Appellant,

vs.

P. STERLING KERR, INDIVIDUALLY
AND AS TRUSTEE OF THE NT
LEGACY TRUST, DATED THE 15TH
DAY OF OCTOBER 2009; NHU TRAN
FOUNDATION, INC., A NEVADA NON-
PROFIT CORPORATION; AND COURT
APPOINTED RECEIVER, ROBERT
ANSARA OF DUNHAM TRUST
COMPANY,

Respondents.

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FOUNDATION, INC., A NEVADA NON-
PROFIT CORPORATION; AND COURT
APPOINTED RECEIVER, ROBERT
ANSARA OF DUNHAM TRUST
COMPANY,

Respondents.

✓ No. 83730

FILED

FEB 11 2022

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

No. 83908

22-04666

*ORDER GRANTING MOTION FOR RECONSIDERATION,
TRANSFERRING DOCUMENTS, AND ADMINISTRATIVELY
CLOSING APPEAL IN DOCKET NO. 83908*

The appeal in Docket No. 83908 was docketed in this court on December 14, 2021, without payment of the requisite filing fee. On that same day, this court issued a notice directing appellant to pay the filing fee or demonstrate compliance with NRAP 24 within 14 days. Because appellant had not complied, on January 13, 2022, the appeal in Docket No. 83908 was dismissed by way of a clerk's order.

On January 27, 2022, appellant filed a motion regarding the filing fee. The motion is construed as a motion for reconsideration of the clerk's order dismissing the appeal in Docket No. 83908. *See* NRAP 27(c)(3). Appellant explains that he did not anticipate having to pay an additional filing fee because he filed his notice of appeal as an amended notice of appeal and the order denying reconsideration was entered after he filed the notice of appeal from the final judgment.

Upon further review, we conclude the appeal in Docket No. 83908 was improperly docketed as a new matter. Appellant filed his "Opposition to Stipulation and Order to Approve First and Final Accounting and Petition to Approve Accounting; Approve Trustee Fees; and Approve Attorney Fees and Costs or In the Alternative, Motion for Reconsideration of Order Approved [sic] Such Stipulation" (motion for reconsideration) on September 1, 2021. Because the motion for reconsideration was filed within 28 days from service of the written notice of entry of the district court's "Stipulation and Order to Approve First and Final Accounting," stated the grounds for the motion with particularity, and requested substantive alteration of that order, the motion for reconsideration had "NRCP 59(e)

status, with tolling effect under NRAP 4(a)(4)(C)." *AA Primo Builders v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010). Appellant properly filed an amended notice of appeal from the order resolving the motion for reconsideration and an additional filing fee was not required. See NRAP (a)(4), (6), (7).

In light of the above, the unopposed motion for reconsideration is granted and the clerk's order dismissing the appeal in Docket No. 83908 is vacated. The clerk of this court shall transfer the documents in Docket No. 83908 to Docket No. 83730 and administratively close the appeal in Docket No. 83908.

It is so ORDERED.

 C.J.
Parraguirre

cc: Hon. Mark R. Denton, District Judge
Charles Lam
Solomon Dwiggins & Freer, Ltd.
Lee Kiefer & Park, LLP
Marquis Aurbach Coffing
Eighth District Court Clerk