

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN LEE WHITTLE,
Appellant,
vs.
RAVEN MORRIS,
Respondent.

No. 82660

FILED

JUL 28 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

**ORDER GRANTING REHEARING, REINSTATING APPEAL, AND
DIRECTING TRANSMISSION OF RECORD**

On April 29, 2021, this court entered an order dismissing this pro se appeal for lack of jurisdiction, citing appellant's failure to designate an appealable order in the notice of appeal. Appellant has filed a petition for rehearing of that order, and respondent has filed an answer. Having considered the petition for rehearing and the answer, we conclude that rehearing is warranted. *See Forman v. Eagle Thrifty Drugs & Markets, Inc.*, 89 Nev. 533, 536, 516 P.2d 1234, 1236 (1973), *overruled on other grounds by Garvin v. Ninth Judicial Dist. Court*, 118 Nev. 749, 59 P.3d 1180 (2002) (stating that the notice of appeal "should not be used as a technical trap for the unwary draftsman," and a "defective notice of appeal should not warrant dismissal for want of jurisdiction where the intention to appeal from a specific judgment may be reasonably inferred from the text of the notice and where the defect has not materially misled" respondent); NRAP 40(c). Accordingly, the petition for rehearing is granted and this appeal is reinstated.

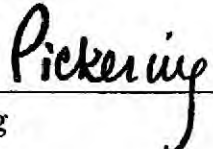
Appellant shall have 60 days from the date of this order to file either (1) a brief that complies with the requirements in NRAP 28(a) and


NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the clerk of this court. Respondent need not file a response to the brief unless ordered to do so by this court. NRAP 46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

We conclude that our review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. D-19-591074-C. See NRAP 11(a)(2) (providing that the complete "record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court," as well as "any previously prepared transcripts of the proceedings in the district court"). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1).

It is so ORDERED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Herndon

cc: Hon. Soonhee Bailey, District Judge, Family Court Division
Brian Lee Whittle
Raven Morris
Eighth District Court Clerk