

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT CHUR; STEVE FOGG; MARK  
GARBER; CAROL HARTER; ROBERT  
HURLBUT; BARBARA LUMPKIN;  
JEFF MARSHALL; AND ERIC  
STICKELS,

Appellants,

vs.

COMMISSIONER OF INSURANCE FOR  
THE STATE OF NEVADA AS  
RECEIVER OF LEWIS AND CLARK  
LTC RICK RETENTION GROUP, INC.,  
Respondent.

No. 84311

**FILED**

**APR 06 2022**

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

*ORDER TO SHOW CAUSE*

This is an appeal from orders entered prior to entry of the final judgment denying attorney fees and to retax and settle costs. Preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) reveals a potential jurisdictional defect. Specifically, the notice of appeal appears to be untimely filed under NRAP 4(a) because it appears that it was filed after the timely filing of a tolling motion under NRAP 4(a)(2) and before the tolling motion was formally resolved. A timely tolling motion terminates the 30-day appeal period, and 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 finally resolving the motion. *See* NRAP 4(a)(2). The district court docket entries reflect that a motion to alter or amend the judgment pursuant to NRCP 59 and NRCP 60 was timely filed on February 10, 2022, and has not yet been resolved by the district court. In the absence of a final judgment, there can be no special order after final judgment. NRAP 3A(b)(8); *see Lee v. GNLV Corp.*, 1 16 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment).

Accordingly, appellants shall have 30 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. Failure to demonstrate that this court has jurisdiction may result in this court's dismissal of this appeal. The deadlines for filing documents in this appeal shall be suspended pending further order of this court. Respondents may file any reply within 14 days from the date that appellants' response is served.

It is so ORDERED.

 C.J.

cc: Lipson Neilson P.C.  
Hutchison & Steffen, LLC/Las Vegas