

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL MURRAY; AND MICHAEL
RENO, INDIVIDUALLY AND ON
BEHALF OF OTHERS SIMILARLY
SITUATED,

Appellants,

vs.


A CAB TAXI SERVICE LLC; A CAB
SERIES LLC, F/K/A A CAB, LLC; AND
CREIGHTON J. NADY,

Respondents.

No. 84888

FILED

JUN 27 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from post-judgment orders regarding an award of costs on appeal and cost bonds. Initial review of the docketing statement and documents before this court reveals potential jurisdictional defects.

First, it is not clear that the June 3, 2022, order is substantively appealable. The order makes the same award of costs as the previous, May 17, 2022, order and thus appears superfluous as to the award of costs. *See Campos-Garcia v. Johnson*, 130 Nev. 610, 612, 331 P.3d 890, 891 (2014). To the extent appellants challenge the denial of their motion to have the award of costs offset against their judgments, no statute or court rule appears to allow an appeal from such an order. *See Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court “may only consider appeals authorized by statute or court rule”). The order does not appear appealable as a special order after final judgment as suggested in the docketing statement because it does not affect the legal rights and obligations established in the final judgment. *See* NRAP 3A(b)(8); *Gumm v. Mainor*, 118 Nev. 912, 914, 59 P.3d 1220, 1221 (2002) (an appealable

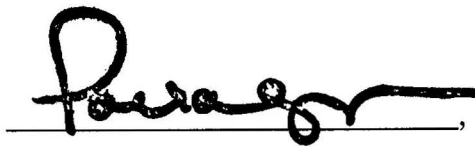
special order “after final judgment must be an order affecting the rights of some party to the action, growing out of the judgment previously entered”).

Second, it appears the notice of appeal was prematurely filed in the district court regarding the May 17, 2022, order. Appellants filed the notice of appeal after the filing of a timely tolling motion on May 31, 2022, seeking reconsideration of the award of costs, and before the district court entered a written judgment finally resolving that motion. See NRAP 4(a)(4) (regarding tolling motions); *AA Primo Builders LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (describing when a post-judgment motion carries tolling effect). To date, it appears the tolling motion remains pending in the district court. This court lacks jurisdiction to consider a premature notice of appeal. NRAP 4(a)(6) (“A premature notice of appeal does not divest the district court of jurisdiction”).

Accordingly, appellants shall have 30 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction. In responding to this order, in addition to points and authorities, appellants should provide this court with a copy of any written, file-stamped order resolving the tolling motion. Respondents may file any reply within 14 days of appellants’ response. Failure to demonstrate that this court has jurisdiction may result in the dismissal of this appeal.

Briefing of this appeal is suspended pending further order of this court.

It is so ORDERED.

 C.J.

cc: Gabroy Law Offices
Leon Greenberg Professional Corporation
Rodriguez Law Offices, P.C.
Cory Reade Dows & Shafer