

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

vs.

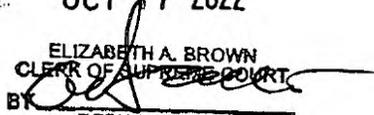
A CAB TAXI SERVICE LLC; A CAB
SERIES LLC, F/K/A A CAB, LLC; AND
CREIGHTON J. NADY,

Respondents.

No. 84888

FILED

OCT 17 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from district court orders granting in part a motion for costs. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge; Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

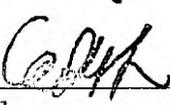
This court previously ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, it appeared that the June 3, 2022, order is not substantively appealable because it makes the same award of costs as the previous May 17, 2022, order. Thus, it is superfluous as to the award of costs. In addition, it appeared that the notice of appeal from the May 17, 2022, order was prematurely filed after the filing of a timely tolling motion on May 31, 2022, but before the district court entered a written order 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).

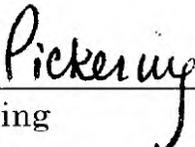
And it appeared that the tolling motion remained pending in the district court.

In response, appellants agree that both orders on appeal grant the same award of costs. Accordingly, the June 3, 2022, order is superfluous as to the award of costs and not appealable. *See Campos-Garcia v. Johnson*, 130 Nev. 610, 611, 331 P.3d 890, 890 (2014) (explaining that “superfluous or duplicative orders and judgments—those filed after an appealable order has been entered that do nothing more than repeat the contents of that order—are not appealable and, generally, should not be rendered”).

Regarding the May 17, 2022, order, appellants do not dispute that the notice of appeal was prematurely filed. Appellants also indicate that the May 31, 2022, 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, this court lacks jurisdiction, and

ORDERS this appeal DISMISSED.¹


_____, J.
Cadish


_____, J.
Pickering


_____, Sr. J.
Gibbons

¹The Honorable Mark Gibbons, Senior Justice, participated in this matter under a general order of assignment.

cc: Hon. Gloria Sturman, District Judge
Chief Judge, The Eighth Judicial District Court
Hon. Michael A. Cherry, Senior Justice
Gabroy Law Offices
Leon Greenberg Professional Corporation
Rodriguez Law Offices, P.C.
Cory Reade Dows & Shafer
Eighth District Court Clerk