

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESLEY RUSCH, AN INDIVIDUAL,
Appellant,
vs.
THE MARTIN CONDOMINIUM UNIT
OWNERS' ASSOCIATION, DOMESTIC
NON-PROFIT,
Respondent.

No. 85108

FILED

AUG 08 2022

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

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order dismissing a complaint. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. The notice of appeal was prematurely filed in the district court after the filing of a timely tolling motion for reconsideration but before that motion was resolved by the district court in a written order. 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 that motion remains pending in the district court. This court lack jurisdiction over a premature notice of appeal. NRAP 4(a)(6). Accordingly, this court

ORDERS this appeal DISMISSED.

Silver, J.
Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Hon. Nancy L. Allf, District Judge
Wesley Rusch
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk