

IN THE SUPREME COURT OF THE STATE OF NEVADA

FORE STARS, LTD., A NEVADA
LIMITED LIABILITY COMPANY; 180
LAND CO., LLC, A NEVADA LIMITED
LIABILITY COMPANY; AND SEVENTY
ACRES, LLC, A NEVADA LIMITED
LIABILITY COMPANY,

Appellants,

vs.

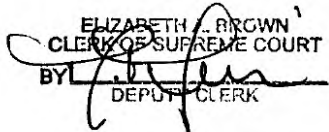
DANIEL OMERZA; DARREN BRESEE;
AND STEVE CARIA,

Respondents.

No. 85542

FILED

JAN 04 2023

ELIZABETH A. BROWN,
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from a postjudgment order awarding attorney fees. 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 prematurely filed under NRAP 4(a) because it appears that it was filed after the timely filing of a tolling motion for reconsideration under NRAP 4(a)(2) and before the tolling motion was formally resolved. *See AA Primo Builders v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010) (a motion for reconsideration can be considered a tolling motion to alter or amend). 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).

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.

 Shiglin , C.J.

cc: EHB Companies, LLC
The Law Office of Kristina Wildeveld & Associates
Brownstein Hyatt Farber Schreck, LLP/Las Vegas