

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF  
THOMAS JOSEPH HARRIS,  
DECEASED.

No. 86096

**FILED**

JUN 30 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

TODD ROBBEN,  
Appellant,

vs.

THE ESTATE OF THOMAS JOSEPH  
HARRIS; AND THOMAS J. HARRIS  
TRUST,  
Respondents.

[ "respondent" on line 10  
Stricken and replaced per  
7/28/23 order ]

*ORDER REGARDING MOTIONS*

Respondents have filed a motion to dismiss this appeal, contending that it is untimely and appellant lacks standing. Appellant opposes the motion, respondents have replied, and appellant has filed a sur-reply.<sup>1</sup> Appellant's notice of appeal was prematurely filed in the district court on February 3, 2023, prior to entry of a written order on February 8, 2023. Because the written order was entered before dismissal of the appeal, the notice of appeal is "considered filed on the date of and after entry of the order . . . ." NRAP 4(a)(6). Therefore, the notice of appeal is considered filed on February 8, 2023, after entry of the written order and is timely. Further, this court is not convinced that appellant lacks standing where ~~respondent~~ <sup>appellant</sup> filed the underlying district court petition. Therefore, the motion to dismiss

<sup>1</sup>Appellant's motion for leave to file a sur-reply is granted. The clerk shall detach the sur-reply from the motion filed on May 26, 2023, and file it separately. Any other relief requested in the motion is denied.

is denied at this time. However, the parties may further address the standing issue in their briefs, if deemed warranted.

Respondents' motion for an extension of time to file the answering brief is granted. NRAP 31(b). Respondents shall have 30 days from the date of this order to file and serve their answering brief. Failure to timely file and serve the answering brief may result in the imposition of sanctions. NRAP 31(d)(2).

It is so ORDERED.

                    *Stiglitz*                    , C.J.

cc: Todd Robben  
Wallace & Millsap LLC