

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE EGGLESTON,  
Appellant,  
vs.  
GEORGINA STUART; CLARK  
COUNTY, NEVADA; LISA CALLAHAN;  
AND BRIAN CALLAHAN,  
Respondents.

No. 77168

**FILED**

JAN 15 2019

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 an amended complaint and a minute order concluding that the district court lacked jurisdiction to rule on a motion for reconsideration. Eighth Judicial District Court, Clark County; David Barker, Judge.

Respondents Clark County and Georgina Stuart (respondents) have filed a motion to dismiss the appeal from the order of dismissal, asserting that the notice of appeal was prematurely filed. Respondents have filed a supplement to their motion, and appellant has filed an opposition. We agree that the notice of appeal was prematurely filed after the filing of a timely tolling motion for reconsideration and before that motion was formally resolved by the district court. See NRAP 4(a)(4) (identifying certain motions as carrying tolling effect and contemplating the entry of a written order resolving such motions); NRAP 4(a)(6) (indicating that a notice of appeal is premature where it is filed before entry of a written order disposing of a timely-filed tolling motion); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010) (explaining when a motion for reconsideration has tolling effect under NRAP 4(a)). The district court entered a minute order on October 22, 2018, concluding that it lacked

jurisdiction to rule on the motion for reconsideration. However, to date, it appears that the district court has not entered a written order resolving the motion for reconsideration. See NRAP 4(a)(4), (6); *Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) ("The district court's oral pronouncement from the bench, the clerk's minute order, and even an unfiled written order are ineffective for any purpose and cannot be appealed."). Accordingly, the motion for reconsideration remains pending in the district court. Further, the minute order is not substantively appealable. See *Rust*, 103 Nev. at 689, 747 P.2d at 1382.

As the appeal from the order of dismissal is premature and the minute order is not substantively appealable, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.<sup>1</sup>

Pickering, J.  
Pickering

Parraguirre, J.                      Cadish, J.  
Parraguirre                              Cadish

<sup>1</sup>Appellant may file a new notice of appeal once the district court enters a written order resolving the motion for reconsideration.

Appellant requests that we issue an order directing respondents to show cause why they should not be sanctioned. Appellant asserts respondents falsely represented to this court that the motion for reconsideration remains pending in the district court. We decline the request.

cc: Chief Judge, The Eighth Judicial District Court  
Hon. David Barker, Senior Judge  
Steve Eggleston  
Brian Callahan  
Olson, Cannon, Gormley, Angulo & Stoberski  
Lisa Callahan  
Eighth District Court Clerk