

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK ADAMS,
Appellant,
vs.
KATRINA HERRLING,
Respondent.

No. 77743

FILED

FEB 26 2019

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

ORDER DISMISSING APPEAL

This is a pro se appeal from orders resolving a custody decree, denying timely filed postjudgment tolling motions, and an order granting attorney fees. Eighth Judicial District Court, Clark County; Gerald W. Hardcastle, Judge; J. Charles Thompson, Judge, Family Court Division, Clark County; Jennifer Elliott, Judge.

This court's review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, this court previously dismissed as premature appellant's appeal in Docket No. 77036 from the custody decree because appellant had filed a timely tolling motion to alter or amend the findings of fact, for a new trial, and for modification of child support. *Adams v. Herrling*, Docket No. 77036 (Order Dismissing Appeal, December 10, 2018). While the district court has entered an order denying the motion to alter or amend the findings of fact and entered an order awarding attorney fees for the motion to modify child support, the order entered on September 5, 2018, does not specifically resolve the motion for new trial. A timely tolling motion terminates the thirty-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)(4). Accordingly, the appeal is premature and this court

ORDERS this appeal DISMISSED.¹

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Chief Judge, The Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Mark Adams
Kelleher & Kelleher, LLC
Eighth District Court Clerk

¹Appellant's motion to consolidate this appeal with the appeal in Docket No. 76878, and the motion for extension of time to file the docketing statement and fast track statement are denied as moot. The clerk shall return, unfiled, the docketing statement and fast track statement received on February 26, 2019.