

IN THE SUPREME COURT OF THE STATE OF NEVADA

NORTHERN NEVADA COMSTOCK
INVESTMENTS, LLC; AND JIANGSON
DUKE, LLC,

Appellants,

vs.

C & A INVESTMENTS, L.L.C.; WELLS
FARGO BANK NORTHWEST, N.A.,
F/K/A FIRST SECURITY BANK OF
UTAH, N.A.,

Respondents.

No. 80824

FILED

AUG 31 2020

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

ORDER DISMISSING APPEAL


This is an appeal from an order awarding partial costs and disbursements and an order denying attorney fees. First Judicial District Court, Carson City; William A. Maddox, Judge.

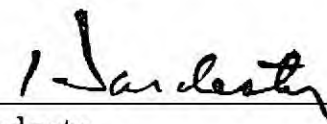
Because it appeared that the notice of appeal was prematurely filed after the filing of a tolling motion for reconsideration, this court ordered appellants to show cause why the appeal should not be dismissed for lack of jurisdiction. Appellants have filed responses and respondent C & A Investments, LLC, has filed a reply.


Appellants argue that the motion filed was merely a motion for leave to file a motion for reconsideration pursuant to First Judicial District Court Rule 3.13 and District Court Rule 13.7 (“No motion once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.”). Appellants have attached to their responses the “Motion for Leave to File a Motion for Reconsideration of Court’s Order denying Defendants’ Motion for Attorney’s Fees and Order Awarding Comstock’s Partial Costs.” The motion

includes a substantive analysis of the basis for reconsideration; the motion does not appear to anticipate further argument once an order granting the motion for leave is entered. This court looks to what an order or judgment actually does, not at what it is called. *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 445, 874 P.2d 729, 733 (1994). Appellants effectively filed a motion for reconsideration, which has not yet been resolved. The notice of appeal was prematurely filed, and this court

ORDERS this appeal DISMISSED.


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Cadish

cc: Chief Judge, The First Judicial District Court
Hon. William A. Maddox, Senior Judge
Madelyn Shipman, Settlement Judge
Guild, Gallagher & Fuller, Ltd.
Midtown Reno Law
Allison MacKenzie, Ltd.
Mahe Law, Ltd.
Lemons, Grundy & Eisenberg
Carson City Clerk