

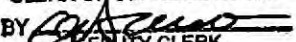
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROURONG YU,
Appellant,
vs.
BRIAN KWOK SHEUNG YU,
Respondent.

No. 79631-COA

FILED

MAR 12 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

Rourong Yu appeals from district court orders resolving several post-divorce decree issues. Eighth Judicial District Court, Family Court Division, Clark County; Bill Henderson, Judge.

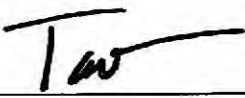
Our review of the documents before us reveals a jurisdictional defect. Specifically, following entry of the challenged orders, appellant filed a motion to set them aside. And when such a motion is filed within the time set forth in NRCP 59(e) and requests a substantive change to the order from which relief is sought, the motion to set aside tolls the time for filing a notice of appeal. *See AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (recognizing that courts generally treat certain post-judgment motions, including requests to reconsider or set aside a decision, as tolling motions so long as the motion is timely filed and seeks a substantive change in the challenged order, and applying that rule in the context of a motion for reconsideration); *see also* NRAP 4(a)(4)(C) (explaining that an NRCP 59(e) motion tolls the time for filing a notice of appeal).

Here, the district court docket demonstrates that no written order resolving the motion to set aside has been entered. Under these

circumstances, appellant's notice of appeal was premature, and thus, it did not divest the district court of jurisdiction or vest jurisdiction in the appellate courts. See NRAP 4(a)(6) ("A premature notice of appeal does not divest the district court of jurisdiction."). Accordingly, because we lack jurisdiction over this appeal, we necessarily

ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Bill Henderson, District Judge, Family Court Division
Rourong Yu
Brian Kwok Sheung Yu
Eighth District Court Clerk