

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
DARREL D. SMITH, DECEASED.

SUN H. HOLDEN,

Appellant,

vs.

GERRARD COX LARSEN,

Respondent.

IN THE MATTER OF THE ESTATE OF
DARREL D. SMITH, DECEASED.

SUN H. HOLDEN,

Appellant,

vs.

GERRARD COX LARSEN,

Respondent.

No. 83093

FILED

DEC 21 2021

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

No. 83267 ✓

*ORDER DISMISSING APPEAL IN DOCKET NO. 83267 AND
REINSTATING BRIEFING*

Docket No. 83093 is an appeal from an order adjudicating and enforcing an attorney's lien and compelling partial distribution of the estate. Docket No. 83267 is an appeal from a postjudgment order denying a motion for rehearing and reconsideration of that same order. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

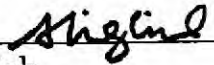
Because this court has consistently held that no appeal lies from an order denying a motion for reconsideration, this court entered an order directing appellant to show cause why the appeal in Docket No. 83267 should not be dismissed. Appellant has responded and argues that under this court's decision in *AA Primo Builders LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010), this court should consider the motion to be appealable as a tolling motion. This court does consider the motion to be a timely filed

tolling motion, and therefore, the notice of appeal in Docket No. 83093 from the original order adjudicating and enforcing the attorney lien and compelling partial distribution of estate, filed after the filing of the motion for reconsideration but before this court dismissed the appeal as premature, is timely pursuant to NRAP 4(a)(6). However, that does not equate to the order denying reconsideration being independently appealable. *See Arnold v. Kip*, 123 Nev. 410, 417, 168 P.3d 1050, 1054 (2007) ("[A]n order denying reconsideration is not appealable."), *disapproved of on other grounds by AA Primo Builders*). The appeal in Docket No. 83267 is dismissed. This appeal will proceed as to Docket No. 83093, and the briefing schedule is reinstated as follows.

Appellant shall have 60 days from the date of this order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.


Parraguirre, J.


Stiglich, J.


Silver, J.

cc: Hon. Gloria Sturman, District Judge
Eleissa C. Lavelle, Settlement Judge
Law Office of George E. Cromer
Gerrard Cox Larsen
Eighth District Court Clerk