

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW ADAM SUPNICK,
Appellant,
vs.
MELISSA ANN SUPNICK,
Respondent.

No. 85212

FILED

NOV 28 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

ORDER DISMISSING APPEAL


This is an appeal from an order denying a motion to modify child custody. Eighth Judicial District Court, Family Court Division, Clark County; Stacy Michelle Rocheleau, Judge.

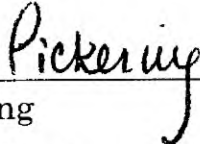
This court's initial review indicated a potential jurisdictional defect. Specifically, the notice of appeal appears to have been prematurely filed because it was filed after the timely filing of a tolling motion and before the motion has been formally resolved. A timely tolling motion terminates the 30-day appeal period, and a notice of appeal is of no effect if it is filed after such a motion is filed but before the district court enters a written order finally resolving the motion. See NRAP 4(a)(6). Accordingly, this court entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.


In response to the order to show cause, appellant admits that he filed a timely tolling motion for reconsideration and to alter or amend the judgment. Appellant contends that the district court's October 31, 2022, minute order denying the tolling motion gives this court jurisdiction over this appeal. "[D]ispositional court orders that are not administrative in nature, but deal with the procedural posture or merits of the underlying controversy, must be written, signed, and filed before they become

effective.” *State, Div. of Child & Family Servs. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004); *see also Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (stating that the clerk’s minute order is ineffective). Accordingly, it appears the tolling motion is still pending. A premature notice of appeal does not divest the district court of jurisdiction; this court lacks jurisdiction, and

ORDERS this appeal DISMISSED.¹


_____, J.
Cadish


_____, J.
Pickering


_____, Sr. J.
Gibbons

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Court Division
Jones & LoBello
Kainen Law Group
Eighth District Court Clerk

¹The Honorable Mark Gibbons, Senior Justice, participated in this matter under a general order of assignment.