

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHANIE PRIEST, INDIVIDUALLY  
AND AS THE SPECIAL  
ADMINISTRATOR OF THE ESTATE  
OF JOSEPHINE HOLWICK,  
Appellants,

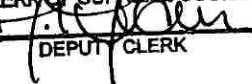
vs.

EMPRES HEALTHCARE  
MANAGEMENT, LLC, A  
WASHINGTON LIMITED LIABILITY  
COMPANY, D/B/A PAHRUMP HEALTH  
AND REHABILITATION; PAHRUMP  
HEALTHCARE, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; AND  
JANIE HEFNER, LPN,  
Respondents.

No. 86798

**FILED**

FEB 29 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

STEPHANIE PRIEST, INDIVIDUALLY  
AND AS THE SPECIAL  
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OF JOSEPHINE HOLWICK,  
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vs.

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MANAGEMENT, LLC, A  
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COMPANY, D/B/A PAHRUMP HEALTH  
AND REHABILITATION; PAHRUMP  
HEALTHCARE, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; AND  
JANIE HEFNER, LPN,  
INDIVIDUALLY,  
Respondents.

No. 87736 ✓

*ORDER ADMINISTRATIVELY CLOSING APPEAL  
AND REGARDING MOTIONS*

Docket No. 86798 is an appeal from a district court order granting a motion to dismiss and from the notice of entry of the order

granting the motion to dismiss. Docket No. 87736 is an appeal from the same district court order and notice of entry of order, as well as a district court order denying a motion for reconsideration and the notice of entry of the order denying the motion for reconsideration.

Upon further review, this court concludes the appeal in Docket No. 87736 was improperly docketed as a new matter. Appellants timely filed a tolling motion seeking reconsideration of the order granting the motion to dismiss. See NRAP 4(a)(4) (regarding tolling motions); *AA Primo Builders LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (describing when a post-judgment motion carries tolling effect). The notice of appeal in Docket No. 86798 was prematurely filed before the tolling motion was formally resolved by the district court. See NRAP 4(a)(6). Appellants filed the amended notice of appeal once the district court entered a written order finally resolving the tolling motion. Under these circumstances, the amended notice of appeal should have been filed in Docket No. 86798 and no additional filing fee was required.

Accordingly, the clerk shall administratively close the appeal in Docket No. 87736 and transfer the documents in that appeal to Docket No. 86798. The clerk shall refund the filing fee paid in Docket No. 87736.

Appellants shall have 30 days from the date of this order to file and serve the opening brief and appendix in Docket No. 86798. Failure to timely file the opening brief and appendix may result in the imposition of sanctions, including the dismissal of the appeal. NRAP 31(d). Appellants' motions to consolidate these appeals are denied as moot.

It is so ORDERED.

 \_\_\_\_\_, C.J.

cc: Hon. Kimberly A. Wanker, District Judge  
Dana Jonathon Nitz, Settlement Judge  
Bighorn Law/Las Vegas  
Hutchison & Steffen, LLC/Las Vegas  
Shady Sirsy  
Nye County Clerk