

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE PARENTAL RIGHTS AS TO
S.L.G., A MINOR.

No. 53742

ROBERT L. M.,
Appellant,
vs.
CASSANDRA L. G. AND JONATHAN C.
G.,
Respondents.

FILED

SEP 11 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REMAND AND DISMISSING APPEAL

This is an appeal from a district court order dismissing appellant's paternity action with prejudice. Second Judicial District Court, Washoe County; Deborah A. Agosti, Senior Justice.

In January 2008, appellant filed a paternity action regarding the minor child. Respondents answered the complaint. Following the denial of respondents' summary judgment motion, in January 2009, the district court held a hearing to address appellant's complaint. At the January 2009 hearing, the district court heard testimony on the issues. The district court's written findings from the January 2009 hearing were entered in the district court in March 2009. In its written findings, the district court denied appellant the relief requested in his complaint. The district court further instructed appellant that he had 20 days from the date that the order denying his relief was served to object or request a

trial on the issues, or the district court would dismiss his complaint with prejudice.

According to the appellate record, appellant was served with a copy of the order denying his requested relief on April 15, 2009. On that same date, the district court entered an order dismissing appellant's complaint with prejudice. This appeal followed.¹


Thereafter, the district court filed a "Notice of Court's Inclination to Rescind Order Dismissing Case" in this court. The notice explains that, upon further review of the district court record, the district court determined that appellant was not provided with an opportunity to object or request a trial because he was not served with a copy of the March 2009 order until the district court dismissed his action with prejudice in April 2009. Thus, the district court states that, upon remand, it "intends to rescind the April 16, 2009, Order Dismissing Case with Prejudice."

Having considered the appellant's arguments in light of the district court's inclination to grant his requested relief, we remand this matter to the district court under Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978). Because the district court's inclination to grant

¹On June 23, 2009, this court directed respondents to file and serve a response, which was due in this court by August 24, 2009. To date, respondents have not filed their response or otherwise communicated with this court. We admonish respondents' counsel that future disregard of this court's directives may result in the imposition of sanctions.

appellant's requested relief renders this appeal moot, we dismiss this appeal. If either party is aggrieved by the district court's order following remand and wishes to challenge it on appeal, that party must thereafter file a timely notice of appeal from the district court's written order in accordance with NRAP 4(a).²


It is so ORDERED.

 _____, J.

Cherry

 _____, J.

Saitta

 _____, J.

Gibbons

cc: Chief Judge, Second Judicial District
Hon. Deborah A. Agosti, Senior Justice
Robert L. M.
Erickson Thorpe & Swainston, Ltd.
Washoe District Court Clerk

²Any such notice of appeal shall be docketed as a new matter in this court, as this order constitutes the final disposition of this appeal.