

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRYL DEAN CLODT,
Appellant,
vs.
KATHLEEN RENEE CLODT,
Respondent.

No. 54052

FILED

NOV 13 2009

THOMAS K. LINDEMAN
CLERK OF SUPREME COURT
BY *J. Murphy*
DEPUTY CLERK

ORDER OF REMAND AND DISMISSING APPEAL

This is an appeal from a district court order granting an NRCP 60(b) motion to set side the divorce decree. Eighth Judicial District Court, Clark County; Miriam Shearing, Senior Judge.

Appellant has filed a motion requesting that this court remand jurisdiction to the district court so that it may resolve appellant's motion for reconsideration of it's the district court's order setting aside the parties' divorce decree. Appellant's motion is supported by the district court's certification that it is inclined to grant appellant's requested relief. Respondent opposes appellant's request for remand. Having considered the motion for remand and opposition, 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 appellant's motion for reconsideration 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).¹

It is so ORDERED.²

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Chief Judge, Eighth Judicial District
Hon. Miriam Shearing, Senior Justice
Robert E. Gaston, Settlement Judge
Legal Resource Group
Edward E. Vargas
Eighth District Court Clerk

¹Any such notice of appeal shall be docketed as a new matter in this court, as this order constitutes the final disposition of this appeal.

²In light of this order, we deny as moot appellant's October 20, 2009, motion for an extension of time to file his fast track statement.