

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN BRANDSTETTER,
Appellant,

vs.

SCOTT BOYD; INTERNATIONAL
GAME TECHNOLOGY, INC.; ACRES
GAMING INCORPORATED; MICKEY
ROEMER; LAS VEGAS GAMING, INC.,
A NEVADA CORPORATION; AND
BALLY GAMING, INC.,
Respondents.

No. 54229

FILED

NOV 12 2010

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

ORDER GRANTING MOTION TO DISMISS APPEAL

This is an appeal from a district court summary judgment in a tort action. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

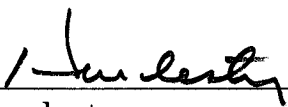
Respondent Bally Gaming, Inc., has filed a motion to dismiss this appeal, appellant has filed an opposition, and Bally Gaming has filed a reply. Respondents Scott Boyd, International Game Technology, Inc., and Acres Gaming Incorporated have filed joinders to the motion to dismiss.

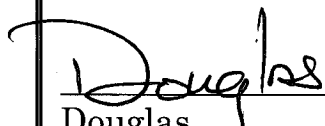
Having considered the motion, joinders, opposition, and reply, we grant Bally Gaming's motion to dismiss this appeal. Specifically, Bally Gaming validly purchased appellant's rights in the underlying civil action and this appeal.¹ See NRS 21.080(1) (listing property liable to execution,

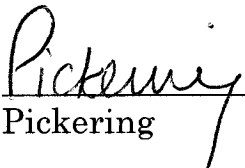
¹We note that appellant did not appeal from the attorney fees award to Bally Gaming, pay the attorney fees award, or obtain a stay of the attorney fees award by posting a supersedeas bond, which may have precluded Bally Gaming from executing on the attorney fees award. See e.g., RMA Ventures California v. Sunamerica Life Ins., 576 F.3d 1070, 1076 (10th Cir. 2009).

including personal property); NRS 10.045 (defining “personal property” to include “things in action”); Sportsco Enter. v. Morris, 112 Nev. 625, 630, 917 P.2d 934, 937 (1996) (providing that statutes specifying kinds of property liable to execution “must be liberally construed” for the judgment creditor’s benefit); Denham v. Farmers Ins. Co., 262 Cal. Rptr. 146, 152 (Ct. App. 1989) (applying Nevada law and interpreting NRS 21.080 and NRS 10.045 to allow a judgment creditor to execute on a judgment debtor’s cause of action). Because Bally Gaming purchased appellant’s claims, it now, for all intents and purposes, holds appellant’s position in regard to this appeal, and Bally Gaming has indicated its desire to dismiss the appeal. See RMA Ventures California v. Sunamerica Life Ins., 576 F.3d 1070, 1071 (10th Cir. 2009) (holding that a party can purchase claims against them in satisfaction of an attorney fees award that arises from a summary judgment that is on appeal and then dismiss the appeal); Applied Medical Technologies, Inc. v. Eames, 44 P.3d 699, 704 (Utah 2002) (holding that a party can purchase claims against them and then validly dismiss those claims). Accordingly, we grant the motion and

ORDER this appeal DISMISSED.


Hardesty, J.


Douglas, J.


Pickering, J.

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Steven Brandstetter
Armstrong Teasdale, LLP/Reno
Holland & Hart LLP/Las Vegas
Marquis & Aurbach
Weide & Miller, Ltd.
Eighth District Court Clerk