

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: VCSP, LLC, A NEVADA LIMITED
LIABILITY COMPANY.

No. 55351

TERRA CONTRACTING, INC., A NEVADA
CORPORATION; AND SELECTBUILD
NEVADA, INC., A DELAWARE CORPORATION,
Appellants,

vs.

VCSP, LLC, A NEVADA LIMITED LIABILITY
COMPANY; FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
FRANKLIN BANK, SSB; AND CONSOLIDATED
MORTGAGE, LLC, A NEVADA LIMITED
LIABILITY COMPANY,
Respondents.

FILED

JUN 21 2010

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

ORDER APPROVING STIPULATION TO WITHDRAW
CERTIFIED QUESTIONS AND DISMISSING NRAP 5 PROCEEDING

This matter involves legal questions certified to this court under NRAP 5, by the United States Bankruptcy Court, District of Nevada.

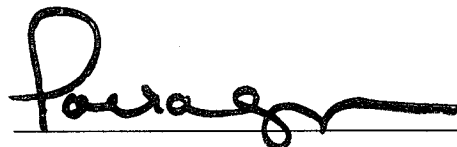
On March 3, 2010, this court entered an order accepting the certified questions and directing briefing. Currently before this court are (1) the parties' June 4, 2010, joint motion to withdraw the certified questions;¹ and (2) respondent Federal Deposit Insurance Corporation's June 10, 2010, supplement to the joint motion. Attached to the supplement is a copy of the Bankruptcy Court's order withdrawing the certified questions in light of the parties' "settlement of all issues relevant to the certified questions." Given that order, this court's answers to the

¹Respondent VCSP, LLC, has not joined the motion.

Bankruptcy Court's certified questions no longer appear appropriate. See generally University Sys. v. Nevadans for Sound Gov't, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) (recognizing that "[t]he duty of every judicial tribunal is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles of law which cannot affect the matter in issue before it" (quoting NCAA v. University of Nevada, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981))); see also Volvo Cars of North America v. Ricci, 122 Nev. 746, 137 P.3d 1161 (2006). Accordingly, we grant the parties' June 4 joint motion to withdraw the certified questions, and we dismiss this proceeding.

Additionally, on February 10, 2010, this court entered an order directing the parties to equally divide among themselves the \$250 filing fee and pay their portion of the filing fee within ten days from the February 10 order's date. See NRAP 3(e) and 5(e). And on June 4, 2010, this court entered an order that noted respondent VCSP, LLC's failure to pay its portion of the filing fee and cautioned VCSP that its failure to pay the filing fee within ten days of the June 4 order's date may result in the imposition of sanctions. To date, respondent VCSP, LLC, still has not paid its portion of the filing fee or otherwise responded to this court's directives. This court's dismissal of this proceeding does not relieve VCSP of its duty to pay its portion of the filing fee. Therefore, VCSP shall have five days from the date of this order to pay its portion of the filing fee. Failure to comply with this order may result in the imposition of sanctions, including referral of VCSP's counsel to the State Bar of Nevada for investigation.

It is so ORDERED.

 , C.J.

cc: Hon. Linda B. Riegle, United States Bankruptcy Judge
Hon. Mike K. Nakagawa, United States Bankruptcy Judge
Morris Polich & Purdy, LLP/Las Vegas
Shumway Van & Hansen
Gerrard Cox & Larsen
Jolley Urga Wirth Woodbury & Standish
Kaempfer Crowell Renshaw Gronauer & Fiorentino
Meier & Fine, LLC
Gordon & Silver, Ltd.
Peel Brimley LLP
Snell & Wilmer, LLP/Las Vegas
Clerk, United States Bankruptcy Court, District of Nevada