

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY LEWIS HERSH,
INDIVIDUALLY AND ANNETTE
GUITERREZ-HERSH, INDIVIDUALLY,
Appellants,
vs.
KENNETH W. MADISON,
INDIVIDUALLY,
Respondent.

No. 57294

FILED

DEC 27 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

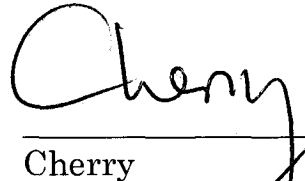
ORDER OF REMAND


This is an appeal from a district court summary judgment in a tort action. Eighth Judicial District Court, Clark County; Jack B. Ames, Senior Judge.

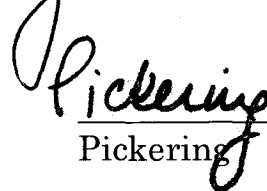
Appellants have moved to remand this matter so that the district court can rule on their motion for reconsideration of the summary judgment, in accordance with Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978) (explaining that, if the district court is inclined to grant relief from a final judgment over which an appeal is pending, it should so certify, so that the parties can seek a remand from this court); see also Foster v. Dingwall, 126 Nev. ___, 228 P.3d 453 (2010). Attached to the motion is an order from the district court certifying its inclination to grant reconsideration. Respondent opposes the motion, asserting that the district court improperly considered the motion and that there exists no substantive basis for reconsideration. Appellants have filed a reply.

Having considered the parties' filings, we conclude that remand is warranted and grant appellants' motion. Accordingly, we

ORDER this matter REMANDED to the district court for further proceedings on the motion for reconsideration.¹


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Chief Judge, Eighth Judicial District Court
Hon. Jack B. Ames, Senior Judge
Phillip Aurbach, Settlement Judge
Shook & Stone, Chtd.
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Perry Spann & Westbrook/Las Vegas
Eighth District Court Clerk

¹This order constitutes the final disposition in this appeal. Any appeal from the district court's decision below shall be docketed as a new matter.