

IN THE SUPREME COURT OF THE STATE OF NEVADA

KRIS PITTMAN,
Appellant,

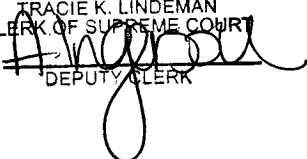
vs.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION; AND IBM BUSINESS
PROCESS SERVICES, INC.,
Respondents.

No. 57615

FILED

OCT 29 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DISMISSING APPEAL,
GRANTING SANCTIONS, AND REMANDING

This is an appeal from a district court order granting a petition for judicial review and directing a foreclosure certificate to be issued in a foreclosure mediation program (FMP) matter. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

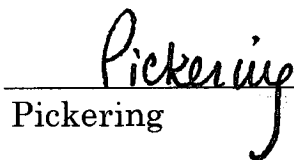
Appellant has filed a motion to dismiss the appeal and requesting sanctions against respondents in light of respondents withdrawing the applicable notice of default without notifying appellant. Respondents have filed an opposition to the request for sanctions and appellant has filed a reply. We grant the motion to dismiss the appeal based on appellant's voluntary dismissal.

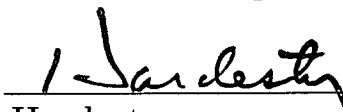
As to appellant's motion for sanctions, appellant argues that respondents withdrew the notice of default the same day that she filed her opening brief, but failed to notify anyone of this action, and thus, the appeal was unnecessarily fully briefed before this court. Appellant seeks a sanction for attorney fees and costs incurred in this appeal. Based on the timing of when respondents withdrew the notice of default and their failure to notify their counsel, appellant or appellant's counsel, or this

court, we conclude that sanctions in the amount of attorney fees incurred by appellant to continue her pursuit of this appeal after respondents' withdrawal of the notice of default are warranted. As this amount of attorney fees is a question of fact, we remand this matter to the district court to determine the appropriate amount of attorney fees as a sanction.

It is so ORDERED.

_____, J.
Saitta

_____, J.
Pickering

_____, J.
Hardesty

cc: Hon. Patrick Flanagan, District Judge
Mark L. Mausert
McCarthy & Holthus, LLP/Las Vegas
McCarthy & Holthus LLP/Reno
Washoe District Court Clerk