

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANKO HOLDINGS LTD., A NEVADA
LIMITED LIABILITY COMPANY,

Appellant,

vs.

RENO PROJECT MANAGEMENT, LLC,
A NEVADA LIMITED LIABILITY
COMPANY,

Respondent.

No. 70525

FILED

SEP 27 2016

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

ORDER DISMISSING APPEAL

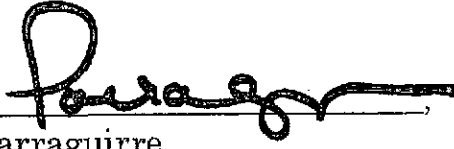
This is an appeal from a final judgment dismissing all appellant's claims against respondent in a quiet title action. Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

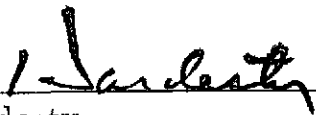
Respondent has filed a motion to dismiss on the ground that appellant's assets, including its rights to the instant appeal, have been acquired by a third party and that therefore, appellant has lost standing to pursue this appeal. Appellant opposes the motion, and respondent has filed a reply. Having considered the motion, opposition, and reply, we grant the motion to dismiss.

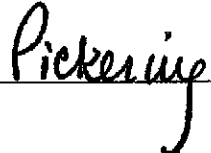
Appellant does not dispute that after appellant filed the notice of appeal, a third party acquired all of appellant's assets, including the pending litigation. We have confirmed that assignment of rights to the litigation at issue eliminates the standing of the assignor to pursue the litigation, and the assignee acquires standing instead. *See Butwinick v. Hepner*, 128 Nev. 718, 721-22, 291 P.3d 119, 121 (2012), *citing RMA Ventures California v. SunAmerica Life Ins.*, 576 F.3d 1070 (10th Cir. 2009) (interpreting Utah law to permit a defendant to execute against the plaintiff's claims for breach of contract and fraud, which were disposed of

on summary judgment in the district court and pending appeal, in satisfaction of an attorney fees award that was not appealed); *Applied Medical Technologies, Inc. v. Eames*, 44 P.3d 699 (Utah 2002) (granting a defendant judgment creditor's motion to dismiss an appeal, after the defendant purchased at a constable's sale claims asserted against him by the plaintiff judgment debtor). Appellant has lost standing to pursue this appeal, we grant the motion to dismiss and we

ORDER this appeal DISMISSED.


Parraguirre C.J.


Hardesty J.


Pickering J.

cc: Hon. Jerome M. Polaha, District Judge
Carol Webster Millie, Settlement Judge
Terry J. Thomas
Walsh, Baker & Rosevear, P.C.
Malikowski Law Offices, Ltd.
Washoe District Court Clerk