

IN THE SUPREME COURT OF THE STATE OF NEVADA

GE HEALTHCARE FINANCIAL
SERVICES,

Appellant,

vs.

FEINGOLD HEALTH AND FITNESS
LTD.; AND ROBERT FEINGOLD,
INDIVIDUALLY,

Respondents.

No. 73643 ✓

GE HEALTHCARE FINANCIAL
SERVICES,

Appellant,

vs.

FEINGOLD HEALTH AND FITNESS
LTD.; AND ROBERT FEINGOLD,
INDIVIDUALLY,

Respondents.

No. 74147

FILED

FEB 07 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY D. [Signature]
DEPUTY CLERK

*ORDER DISMISSING APPEALS AND DENYING MOTION
TO ENFORCE SETTLEMENT AGREEMENT*

On December 18, 2017, the settlement judge filed Settlement Program Status Reports indicating that the parties agreed to a settlement in these related matters. On December 19, 2017, this court entered an order directing the appellant to file a stipulation or motion to dismiss these related appeals or otherwise inform this court of the status of these appeals. In response, on January 18, 2018, appellant filed a status report as to these appeals, including the parties' signed settlement agreement dated December 13, 2017. Pursuant to the parties' settlement agreement and cause appearing, these appeals are dismissed.

Additionally, appellant has filed an unopposed motion to enforce the parties' settlement agreement, requesting that this court remand the matter in Docket No. 74147 to the district court and direct entry

of judgment in of favor GE Financial and against Robert Feingold, individually, as a mechanism to enforce the agreement. The proper procedure to enforce a settlement agreement is to file a separate action in the district court to determine the validity and enforceability of the contract. *See May v. Anderson*, 121 Nev. 688, 119 P.2d 1254 (2005) (whether a purported settlement agreement is a valid contract is a question of fact); *See also, Zugel v. Miller*; 99 Nev. 100, 101, 659 P.2d 296 (1983) (an appellate court is not an appropriate forum in which to resolve disputed questions of fact). Accordingly, we deny the motion.

It is so ORDERED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. James Crockett, District Judge
Robert F. Saint-Aubin, Settlement Judge
John W. Muije & Associates
Kolesar & Leatham, Chtd.
Eighth District Court Clerk