

IN THE SUPREME COURT OF THE STATE OF NEVADA

KAREN DOMINGUEZ,  
Appellant,  
vs.  
A. AND H. ADAMS, INC., A NEVADA  
CORPORATION D/B/A ADAMS  
MANAGEMENT; ARTHUR V. ADAMS,  
AN INDIVIDUAL; AND SPANISH  
OAKS PLAZA LIMITED  
PARTNERSHIP, A NEVADA LIMITED  
PARTNERSHIP,  
Respondents.

No. 45075

**FILED**

**JAN 10 2006**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL AND  
REMANDING TO THE DISTRICT COURT

Appellant has filed a "Notice of Certification and Motion for Remand." Appellant requests that this court remand this matter to the district court so that it may resolve appellant's pending motion for reconsideration of the order dismissing appellant's complaint in the action below. Appellant has attached a copy of district court minutes from a hearing on the motion for reconsideration which show that the district court held "that it is inclined to grant [appellant] the relief requested by reconsidering and reversing its previous order granting [respondents'] motion to dismiss." Further, the minutes show that the district court "order[ed] that the instant findings be certified to the Supreme Court." See Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978).

Respondents have opposed the motion. Respondents argue that the fact that the district court indicated that it is "inclined" to grant appellant's motion for reconsideration is "insufficient to resolve the issue of remand." Respondents propose that this court must "consider the

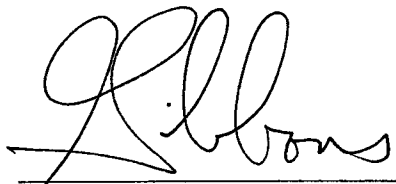
merits of appellant's motion for reconsideration filed with the district court before a decision is made to remand the case."

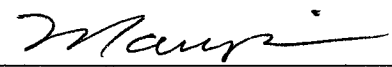
Appellant has filed a motion for leave to file a reply to respondents' opposition. Cause appearing, we grant that motion. Accordingly, the clerk shall file the reply.

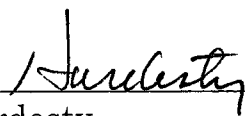
We note that the procedure set forth in Huneycutt is intended to apply to situations precisely as those that exist in this appeal, that is, where a party has filed a post-judgment motion and the district court is inclined to grant it but does not have jurisdiction to do so because a notice of appeal was filed. See Smith v. Emery, 109 Nev. 737, 856 P.2d 1386 (1993) (reaffirming the procedure set forth in Huneycutt and stating that a district court should certify to this court its inclination to grant relief in accordance with a party's motion for reconsideration of its decision being challenged on appeal).

We elect to treat the district court minutes as a certification order from the district court indicating that it is inclined to grant the relief requested in appellant's motion for reconsideration and cause appearing, we grant appellant's motion for remand. Accordingly, we remand this matter to the district court and dismiss this appeal. In light of this decision, we deny as moot appellant's motion for an extension of time to file the docketing statement.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Douglas W. Herndon, District Judge  
Stephen E. Haberfeld, Settlement Judge  
Cobeaga Tomlinson, LLP  
Perry & Spann/Reno  
Clark County Clerk