

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL S. MEYER,
Appellant,
vs.
RICHARD N. JOHNSON,
Respondent.

No. 47596

FILED

SEP 21 2006

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

ORDER OF REMAND

This is an appeal from a district court judgment in a tort action and an order denying a motion for a new trial. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

On July 31, 2006, appellant filed a motion in this court entitled "Appellant's Motion for the Nevada Supreme Court to Determine Finality of 'Judgment After Bench Trial' and for Stay of Enforcement Pursuant to NRAP 8." Appellant asks this court to clarify whether the March 8, 2006, district court judgment, entered following a bench trial, is a final, appealable judgment, as it does not expressly resolve two claims—intentional and negligent infliction of emotional distress. Appellant alternatively asks this court to stay the district court judgment pending the appeal's resolution.

On August 21, 2006, with the July 2006 motion pending, the parties filed a signed, joint stipulation seeking to remand this matter to the district court for a new trial. Thereafter, on August 23, 2006, appellant filed a copy of an August 22, 2006, district court order certifying the court's inclination to set aside an earlier order, conduct a new trial,

and to award certain attorney fees. Based on Huneycutt v. Huneycutt,¹ and in the interests of judicial economy, we conclude that this matter should be remanded to the district court.² Accordingly, we remand this matter to the district court for further proceedings.

It is so ORDERED.³

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Valerie Adair, District Judge
William F. Buchanan, Settlement Judge
Thomas J. Tanksley
Carl M. Joerger
Clark County Clerk

¹94 Nev. 79, 575 P.2d 585 (1978).

²See Chapman Industries v. United Insurance, 110 Nev. 454, 874 P.2d 739 (1994) (bypassing the Huneycutt procedure because the district court had already expressed its dissatisfaction with the judgment and its desire to consider the merits of certain post-judgment motions).

³In light of this order, we deny as moot, appellant's July 31, 2006, motion and his August 25, 2006, renewed motion for remand.

This order constitutes our final disposition of this appeal. Any further appeals in this matter following remand shall be docketed in this court as new and separate proceedings.