

IN THE SUPREME COURT OF THE STATE OF NEVADA

WOOLMAN OVAL HOLDINGS, LLC,
Appellant,

vs.

ESTATE OF MICHAEL A. WEISMAN;
WASHINGTON MUTUAL HOME LOAN,
A WASHINGTON CORPORATION; AND
CASTLE, BARRETT, DAFFLIN,
FRAPPIER, LLC,
Respondents.

No. 49157

FILED

MAR 17 2009

TRACEY K. KINDEMAN
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

WASHINGTON MUTUAL HOME LOAN,
A WASHINGTON CORPORATION,
Appellant,

vs.

ESTATE OF MICHAEL A. WEISMAN;
AND WOOLMAN OVAL HOLDINGS,
LLC,
Respondents.

No. 49228

ORDER VACATING PRIOR ORDER
AND DISMISSING APPEALS WITHOUT PREJUDICE

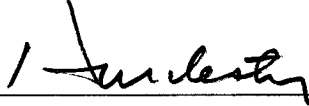
These are consolidated appeals from a district court judgment entered after a bench trial in a real property action.

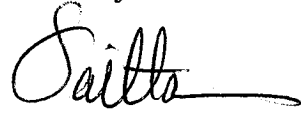
On February 13, 2009, after a copy of a notice of removal to the federal district court was filed in this court, we entered an order administratively closing these matters. Currently before us is appellant/respondent Woolman Oval Holdings, LLC's February 23, 2009, motion effectively requesting that we reconsider our February 13 order. According to Woolman, these appeals should remain open until the federal district court resolves Woolman's pending motion to remand these matters to this court.

Having considered Woolman's motion, we conclude that leaving these matters open on our docket is unnecessary. Specifically, the federal district court's jurisdiction over the matters commenced when the notice of removal was filed in that court. See In re Diet Drugs, 282 F.3d 220, 231 n.6 (3rd Cir. 2002). And this court could no longer proceed with the matters "until the federal court decides whether it will retain jurisdiction or not." Adair Pipeline Company v. Pipeliners Local Union No. 798, 203 F. Supp. 434, 437 (S.D. Tex. 1962). Thus, reopening the appeals while the federal district court considers Woolman's motion is unwarranted.

Additionally, as this court cannot proceed with these matters until and unless the federal district court resolves Woolman's pending motion to remand in its favor, we vacate our February 13 order administratively closing these matters and instead dismiss these appeals without prejudice to Woolman's right to move for reinstatement if the federal district court resolves Woolman's motion to remand in its favor.

It is so ORDERED.


_____, C.J.
Hardesty


_____, J.
Saitta


_____, J.
Gibbons

cc: Chief Judge, Eighth Judicial District
Eighth Judicial District Court Dept. 17, District Judge
Hon. J. Charles Thompson, Senior Judge
Lester H. Berkson, Settlement Judge
Cooper Castle Law Firm
Marquis & Aurbach
Boggess & Harker
Eighth District Court Clerk
Clerk, United States District Court, District of Nevada