

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: ALICIA LADON PORTER,
A/K/A ALICIA FRAZIER.

No. 50508

HAROLD MUTZ, D/B/A CLASSIC
CATERING,
Appellant,

vs.

ALICIA PORTER, INDIVIDUALLY AND
D/B/A THE GENESIS CENTER, D/B/A
KID'S E.A.T.T.,
Respondent.

FILED

APR 14 2008
TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER APPROVING STIPULATION TO
WITHDRAW CERTIFIED QUESTIONS AND
DISMISSING NRAP 5 PROCEEDING

The United States Bankruptcy Court, District of Nevada, certified two questions of law to this court, under NRAP 5. On January 18, 2008, we entered an order accepting the certified questions and directing briefing. Thereafter, the parties filed a motion styled "Stipulation for Dismissal of Appeal," in which they stated that they had stipulated to withdraw the Bankruptcy Court's certified questions. On March 7, 2008, we entered an order disapproving the parties' stipulation, as the parties had failed to demonstrate either that the Bankruptcy Court approved their stipulation or that our answers to the Bankruptcy Court's certified questions were no longer appropriate.

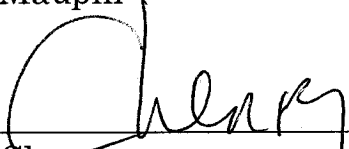
Currently before this court is the parties' renewed stipulation and motion to withdraw the Bankruptcy Court's certified questions. The parties have included with their renewed motion a copy of the Bankruptcy Court's order dismissing the action that had produced the certified questions. Given that dismissal order, our answers to the Bankruptcy

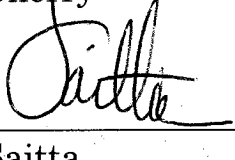
Court's certified questions no longer appear appropriate.¹ Accordingly, we approve the parties' stipulation to withdraw the certified questions, and we dismiss this proceeding.

It is so ORDERED.


_____ J.

Maupin


_____ J.
Cherry


_____ J.
Saitta

cc: Hon. Bruce A. Markell, United States Bankruptcy Court Judge
Beverly J. Salhanick
Stephens, Gourley & Bywater
Clerk, United States District Court, District of Nevada

¹See generally University Sys. v. Nevadans for Sound Gov't, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) (recognizing that “[t]he duty of every judicial tribunal is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles of law which cannot affect the matter in issue before it” (quoting NCAA v. University of Nevada, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981))); see also Volvo Cars of North America v. Ricci, 122 Nev. 746, 137 P.3d 1161 (2006).