

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT ALGEE AND FINE  
CLOTHING, INC.,  
Appellants,  
vs.  
NAYERI MOUMDJIAN,  
Respondent.

No. 50599

**FILED**

JAN 11 2010

TRACIE W. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court summary judgment in a real property action. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

On appeal, appellants argue that the district court erred in entering summary judgment in favor of respondent before they had an opportunity to conduct sufficient discovery and that the district court abused its discretion in denying their NRCP 56(f) motion for a continuance to permit additional discovery.

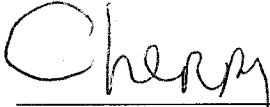
Having reviewed appellants' opening brief and the record on appeal,<sup>1</sup> we conclude that the district court abused its discretion in denying appellants' request for an NRCP 56(f) continuance and thus improperly entered summary judgment. See Aviation Ventures v. Joan Morris, Inc., 121 Nev. 113, 110 P.3d 59 (2005) (a district court's decision to

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<sup>1</sup>On October 8, 2009, this court directed proper person respondent to file an answering brief by November 9, 2009, but, to date, no answering brief has been filed.

refuse an NRCP 56(f) continuance is reviewed for an abuse of discretion).  
Accordingly, we

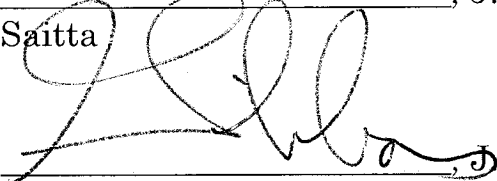
ORDER the judgment of the district court REVERSED AND  
REMAND this matter to the district court for proceedings consistent with  
this order.

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

Cherry

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

Saitta

  
\_\_\_\_\_

Gibbons

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Carolyn Worrell, Settlement Judge  
Olson, Cannon, Gormley & Desruisseaux  
Nayeri Moumdjian  
Eighth District Court Clerk