

IN THE SUPREME COURT OF THE STATE OF NEVADA

ESTATE OF NICOLE ANGEL,
DECEASED, BY AND THROUGH
ALFRED ANGEL, ADMINISTRATOR;
ALFRED ANGEL, INDIVIDUALLY; AND
GREGORIA V. ANGEL, INDIVIDUALLY,
Appellants,


vs.

RAYMAN NEVADA 2K LIMITED
PARTNERSHIP, A NEVADA
CORPORATION D/B/A SAN TROPEZ
APARTMENTS; EXECUTIVE
AFFILIATES, INC., AN ILLINOIS
CORPORATION; AND RUDD CO., INC.,
Respondents.

No. 50637

FILED

JUL 30 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ESTATE OF NICOLE ANGEL,
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ALFRED ANGEL, ADMINISTRATOR;
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APARTMENTS; EXECUTIVE
AFFILIATES, INC., AN ILLINOIS
CORPORATION; AND RUDD CO., INC.,
Respondents.

No. 51267

ORDER OF REVERSAL AND REMAND

These are consolidated appeals from a district court summary judgment and award of attorney fees and costs in a tort action. Eighth Judicial District Court, Clark County; David B. Barker, Judge; James A. Brennan, Senior Judge.

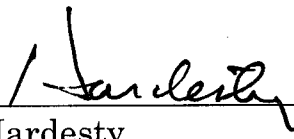
The sole issue on appeal is whether the district court properly granted summary judgment on all of appellants' claims based on our previous order granting a writ of mandamus that directed entry of summary judgment, or if the district court should have only granted summary judgment on the wrongful death claim. Rayman Nevada 2K v. Dist. Ct. (Estate of Angel), Docket No. 48454, Order Granting Petition for Writ of Mandamus, April 12, 2007). We review de novo whether the district court properly followed our previous order. Wheeler Springs Plaza, LLC v. Beemon, 119 Nev. 260, 263, 71 P.3d 1258, 1260 (2003). "[T]he trial court has no discretion to interpret the reviewing court's order; rather, it is bound to specifically carry out the reviewing court's instructions." Id. at 264, 71 P.3d at 1260. Furthermore, "when an appellate court decides a rule of law, that decision governs the same issues in subsequent proceedings," although this rule "only applies to issues previously determined, not to matters left open by the appellate court." Id. at 266, 71 P.3d at 1262.

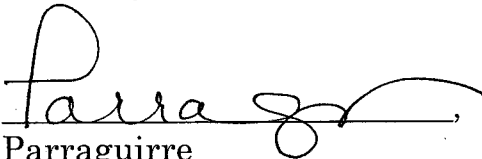
Having reviewed the briefs and documents on appeal, we conclude that the district court erred in granting summary judgment on all of appellants' causes of action. The writ petition filed in this court in Docket No. 48454 only addressed the wrongful death cause of action. Respondents' writ petition did not include any discussion, argument, or legal support establishing that they were entitled to summary judgment on any claims other than the wrongful death claim. Thus, this court's April 2007 order granting the writ petition was limited to the wrongful death cause of action, as that was the only cause of action presented to this court by respondents. Therefore, the district court erred in granting summary judgment on all of appellants' causes of action. Summary

judgment based on the April 2007 order granting the writ petition was only appropriate for the wrongful death cause of action. As a result, the district court's award of attorney fees and costs must also be vacated.

Accordingly, we

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


_____, C.J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Chief Judge, Eighth Judicial District
Hon. David B. Barker, District Judge
Hon. James A. Brennan, Senior Judge
Carolyn Worrell, Settlement Judge
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Eighth District Court Clerk