


IN THE SUPREME COURT OF THE STATE OF NEVADA

ROLAND ZIMMERLI,
Appellant,
vs.
BARBARA ZIMMERLI,
Respondent.

No. 52599

FILED

APR 09 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court divorce decree. Second Judicial District Court, Family Court Division, Washoe County; Frances Doherty, Judge.

On March 20, 2009, appellant filed a "Notice of Dismissal of Appeal" indicating that the parties have entered into an agreement that was approved by the district court and that resolved all the issues pending in this appeal. We construe this notice as a motion for voluntary dismissal of his appeal, and we hereby grant the motion. NRAP 42(b). The parties shall bear their own costs and attorneys fees. Id. Accordingly, we

ORDER this appeal DISMISSED.¹

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Frances Doherty, District Judge, Family Court Division
David R. Ford
Barbara Zimmerli
Washoe District Court Clerk

¹Appellant bases his decision to dismiss his appeal on a district court order filed on March 11, 2009. Specifically, appellant asserts that the order resolves all the issues pending in this appeal. We note, however, that because the case was on appeal when the March 11, 2009, order was entered, the district court lacked jurisdiction to enter that order. See Mack-Manley v. Manley, 122 Nev. 849, 855, 138 P.3d 525, 529-30 (2006) (stating that a properly filed appeal divests a district court of jurisdiction to entertain matters related to the appeal). Because the district court lacked jurisdiction to enter the March 11 order, that order is void. Thus, the district court will need to re-enter that order following the dismissal of this appeal to avoid any question as to its validity.

To clarify any concerns with the district court's jurisdiction upon dismissal of this appeal, we direct the clerk of this court to issue a formal remittitur forthwith. NRAP 41; NRAP 42(b).