

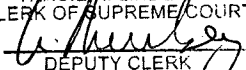
IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES A. WHITE,
Appellant/Cross-
Respondent,
vs.
NEWMONT USA LIMITED D/B/A
NEWMONT MINING CORPORATION,
AND NEWMONT GOLD COMPANY,
Respondents/Cross-
Appellants.

No. 53193

FILED

JUL 02 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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DEPUTY CLERK

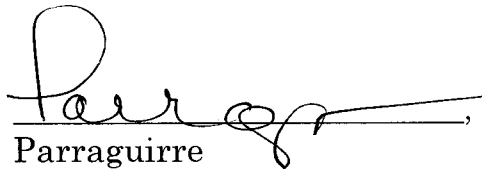
ORDER DISMISSING APPEAL AND CROSS-APPEAL
AND REMANDING TO THE DISTRICT COURT

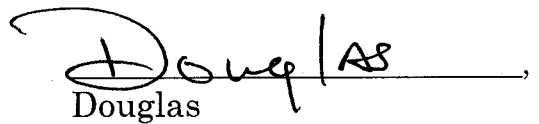
This is an appeal from an order granting summary judgment and a cross-appeal from an order denying a motion to dismiss. After the district court entered its order granting summary judgment, appellant/cross-respondent (“appellant”) filed a motion for reconsideration. Appellant filed his notice of appeal before the district court ruled on the motion for reconsideration. Appellant has now filed a motion to remand this matter to the district court pursuant to Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978). Appellant’s motion is accompanied by an order of the district court certifying that upon remand it is inclined “to grant the motion for reconsideration and hold a hearing.” See Id.

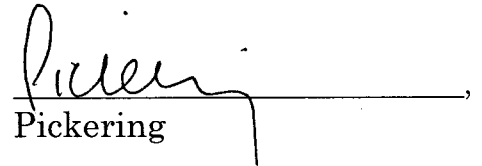
Respondents/cross-appellants (“respondents”) oppose the motion. Respondents argue that we should deny the motion for remand “on the ground of judicial economy and propriety.” Respondents argue that it would be more efficient for this matter to proceed on appeal and that the Huneycutt procedure does not apply to non-tolling motions such as the motion at issue in this case. Appellant has filed a reply to the opposition.

We note that the Huneycutt remand procedure does apply to motions such as the motion for reconsideration at issue in this matter. Further, it is in the interest of judicial efficiency to have the district court reconsider an order that is being challenged on appeal if it is so inclined. Accordingly, we grant appellant's motion. This matter is remanded to the district court pursuant to its certification and we order this appeal and cross-appeal dismissed.

It is so ORDERED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: First Judicial District Court Dept. 2, District Judge
David Wasick, Settlement Judge
Diaz & Galt, LLC
Piscevich & Fenner
Carson City Clerk