IN THE SUPREME COURT OF THE STATE OF NEVADA

GRETHEL N. ESTRADA,
Appellant,
vs.
ANN JONES,
Respondent.

No. 54416

FILED

DEC 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court judgment in a tort action. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Respondent Ann Jones filed a complaint against appellant Grethel N. Estrada for among others, damages stemming out of an automobile accident. The matter was referred to arbitration and an arbitrator awarded Jones $9,500 and found Estrada to be 85-percent liable. On October 8, 2008, Estrada filed a request for trial de novo. Thereafter, on October 21, 2008, Jones filed a motion to strike the request for trial de novo, arguing that Estrada failed to participate at arbitration in good faith. Subsequently, on December 12, 2008, determining that Jones' motion to strike was unopposed, the district court entered an order striking Estrada's trial de novo request. Estrada then moved for reconsideration of the decision, which the district court granted. The district court subsequently entered an order, on March 13, 2009, denying Jones' motion to strike the trial de novo request. On June 8, 2009, Jones filed another motion to strike Estrada's request for trial de novo, arguing that Estrada had failed to comply with NRCP 16.1(b)(1) and NRCP

16.1(e)(2). After further filings from the parties, the district court entered an order striking Estrada's request for trial de novo and thereafter entered judgment on the arbitration award. Estrada appeals.

On appeal, Estrada argues, among other things, that, under NAR 18(G), the second motion to strike was untimely because it was filed more than 30 days after service of the trial de novo request. Jones disagrees, arguing that the second motion to strike was timely because it was a "renewed" version of her original timely motion to strike the trial de novo request that was based on new law and facts, and that the district court has inherent authority to reconsider prior orders.

We agree with Estrada that Jones' motion to strike the trial de novo request was untimely. Under NAR 18(G), "[a] motion to strike a request for trial de novo may not be filed more than 30 days after service of the request for trial de novo." Having reviewed Jones's second motion to strike Estrada's request for trial de novo, which was filed on June 8, 2009, we reject Jones's characterization of the motion as a "renewed" version of her initial October 21, 2008, request to strike the trial de novo demand. The June 8 motion is expressly termed a motion to strike the trial de novo request, nothing in the motion indicates that it was meant to renew the prior motion, and the June 8, 2009, motion is based on new law and facts. We also reject Jones's argument that the decision to strike the trial de novo request a second time was based on any inherent authority the district court possesses to revisit prior orders. Our review of the district court order granting the June 8 motion leads us to conclude that the district court was ruling on Jones's June 8 motion to strike the trial de novo demand and not revisiting its prior decision.

Therefore, as the June 8 motion to strike the de novo request was filed well after the NAR 18(G) 30-day deadline, we conclude that the district court lacked the authority to grant the motion to strike Estrada's trial de novo request,[1] and therefore, as that decision was the apparent basis for entering judgment in favor of Jones, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.[2]

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge
Janet Trost, Settlement Judge
Keith B. Gibson
Mainor Eglet
Eighth District Court Clerk

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[1]We also note that neither NRCP 16.1(e)(2) nor NRCP 16.1(e)(3) expressly enumerates the striking of a trial de novo request as an available sanction.

[2]In light of our resolution of this appeal, we need not reach Estrada's remaining assertions of district court error or Jones' responses thereto.