

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL G. SANZARO AND
DEBORAH D. SANZARO,

Appellants,

vs.

ARDIENTE HOMEOWNERS
ASSOCIATION; LINDA KEMPER;
JAMES MARSH; SCOTT HARRIS;
LAURY PHELPS; AND RMI
MANAGEMENT LLC.,

Respondents.

No. 55547

FILED

JAN 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order confirming an arbitration award. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Following nonbinding arbitration, an arbitrator issued a decision in favor of respondents on August 6, 2009, and the parties were sent notice of the award on August 7, 2009. Respondents filed a motion to confirm the award on October 5, 2010. Appellants opposed the motion on October 14, 2009, arguing that they had until November 6, 2009, to file a motion to vacate the award under NRS 38.241 and that they intended to do so. Respondents replied to the opposition, pointing out that when the parties agree to nonbinding arbitration, NRS 38.330(5) applies, under which "any party to the nonbinding arbitration may, within 30 days after a decision and award have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration." Respondents further pointed out that NRS 38.241's vacatur and rehearing provision applies only when the parties participated in binding arbitration. Appellants then filed a motion to vacate the award on December 11, 2009, and respondents opposed the motion.

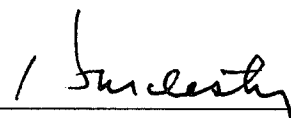
This order vacated per order filed 10-19-11.


Following a hearing on the motions, the district court entered an order denying appellants' motion to vacate the award, granting respondents' motion to confirm it, and ordering appellants to pay the amount awarded by the arbitrator. This appeal followed.

Having considered appellants' proper person appeal statement and the appellate record, we conclude that the district court correctly interpreted and applied NRS 38.330(5) to conclude that, because appellants failed to timely file a complaint within the statute's 30-day deadline, their claims were not subject to judicial review and confirmation of the award was appropriate. NRS 38.330(5); see Hamm v. Arrowcreek Homeowners' Ass'n, 124 Nev. 290, 300, 183 P.3d 895, 903 (2008) (distinguishing the legal remedies available to parties at the conclusion of nonbinding and binding arbitration). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Valorie Vega, District Judge
Deborah D. Sanzaro
Michael G. Sanzaro
Leach Johnson Song & Gruchow
Lipson Neilson Cole Seltzer & Garin, P.C.
Eighth District Court Clerk

¹The filing fee in this matter is waived based on the district court's order granting appellants' application for in forma pauperis status in that court.