

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBIN V 15, LLC,
Appellant,
vs.
INTERIOR SPECIALISTS, INC., A
CALIFORNIA CORPORATION,
Respondent.

No. 56785

FILED

MAY 04 2011

ORDER DISMISSING APPEAL AND
REMANDING TO THE DISTRICT COURT

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

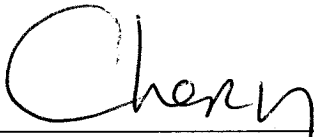
Appellant has filed a motion to remand this matter to the district court pursuant to Foster v. Dingwall 126 Nev. ___, 228 P.3d 453 (2010). Appellant's motion is accompanied by an order of the district court certifying that upon remand it is inclined "to set aside the Default Judgment entered . . . on August 6, 2010." Appellant indicates that setting aside the default judgment will render this appeal moot.

Respondent has filed an "Opposition to Motion to Remand and Request for Additional Time." Respondent requests this court to "hear the appeal" on its merits as it raises important issues regarding "obtaining [a] judgment" against a garnishee pursuant to NRS 31.320. Further, respondent indicates that it has filed a motion for rehearing of the district court's decision to certify its intent to grant the relief requested on remand. Accordingly, respondent argues that this appeal should proceed on the merits, or in the alternative, this court should "delay remanding the appeal until after the District Court hears [its] motion for rehearing."¹


¹ We note that a review of the district court record indicates that the district court denied respondent's motion for rehearing.

Cause appearing, and in the interest of judicial efficiency, we grant appellant's motion. Accordingly, we remand this matter to the district court pursuant to its certification, and we dismiss this appeal. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Michael Villani, District Judge
Kathleen J. England, Settlement Judge
Nersesian & Sankiewicz
McCullough, Perez & Associates, Ltd.
Eighth District Court Clerk