

IN THE SUPREME COURT OF THE STATE OF NEVADA

WELLS FARGO BANK, N.A.,
Appellant,
vs.
JOSEPH NASCIMENTO, AN
INDIVIDUAL,
Respondent.

No. 56941

FILED

MAY 12 2011

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

ORDER OF REMAND AND GRANTING STAY

Having considered appellant's motion for remand, respondent's opposition, and appellant's reply,¹ we grant the motion and remand the appeal to the district court pursuant to Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978), based on the district court's certification that it is inclined to set aside the default judgment against appellant Wells Fargo. We hereby remand this matter to the district court for further proceedings consistent with its certification.

Also, having considered respondent's opposition to the stay motion,² we conclude that a stay is warranted. NRAP 8(c). Accordingly,

¹We deny respondent's February 8, 2011, motion to strike, and we deny as moot appellant's motion to exceed the page limit in its reply in support of the motion to remand, as its reply complied with the page limit.

²The opposition was improperly captioned and filed in Docket No. 57790. We direct the clerk of this court to transfer the document filed on May 11, 2011, to this docket number.

we grant a stay in District Court Case No. A622150 and we conclude that execution on the underlying judgment shall remain stayed until the remittitur issues in this appeal and the district court rules on Wells Fargo's motion to set aside that judgment.

It is so ORDERED.

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Michael Villani, District Judge
Robert F. Saint-Aubin, Settlement Judge
Snell & Wilmer, LLP/Las Vegas
Benjamin B. Childs
Eighth District Court Clerk