

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARMINE VENTO AND ANN M.
VENTO REVOCABLE FAMILY TRUST,
Appellant,

vs.

ISB I, LLC, A NEVADA LIMITED
LIABILITY COMPANY D/B/A
CARMINE'S LITTLE ITALY; AND
RONALD ALLEN MEMO,
Respondents.

No. 58047

FILED

JUN 02 2011

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY *J. Moop*
DEPUTY CLERK

ORDER DISMISSING APPEAL AND
REMANDING TO THE DISTRICT COURT

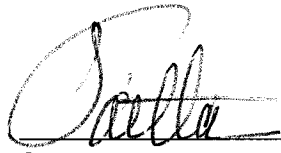
Appellant has filed a "Motion to Withdraw Appeal." As cause for the motion, appellant informs this court that the district court has granted its motion for reconsideration and thus, "there is no longer any issue on appeal." The motion is unopposed.

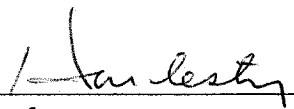
We note that the timely filing of a notice of appeal "divests the district of jurisdiction to act and vests jurisdiction in this court." Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). Thus, a district court does not have jurisdiction to grant a motion for reconsideration while a perfected appeal is pending. Rather, the party requesting reconsideration should first seek certification from the district court that it is inclined to grant the requested relief and then file a motion to remand with this court. See Foster v. Dingwall, 126 Nev. ___, 228 P.3d 453 (2010); Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978).

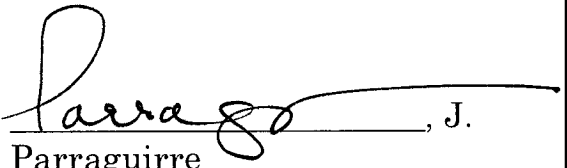
In the interest of judicial economy, we elect to treat the district court's granting of the motion for reconsideration as its certification that it is inclined to grant the requested relief upon remand. Accordingly, we remand this matter to the district court pursuant to that

certification, and dismiss this appeal pursuant to appellant's motion for voluntary dismissal. NRAP 42(b).

It is so ORDERED.


Saitta _____, J.


Hardesty _____, J.


Parraguirre _____, J.

cc: Hon. Susan Johnson, District Judge
Thomas J. Tanksley, Settlement Judge
Kravitz, Schnitzer, Sloane, Johnson & Eberhardy, Chtd.
Michael H. Singer, Ltd.
Hutchison & Steffen, LLC
Eighth District Court Clerk