

IN THE SUPREME COURT OF THE STATE OF NEVADA

COTTONWOOD HOMEOWNERS  
ASSOCIATION, INC.,

Appellant,

vs.

BARBARA HOLLAND, INDIVIDUALLY  
AND AS OWNER OF H&L REALTY &  
MANAGEMENT COMPANY, A  
NEVADA CORPORATION,

Respondent.

No. 59608

**FILED**

**MAR 26 2012**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DISMISSING APPEAL AND  
REMANDING TO THE DISTRICT COURT

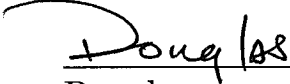
Appellant has filed a motion to dismiss this appeal and remand this matter to the district court pursuant to Foster v. Dingwall, 126 Nev. \_\_\_, 228 P.3d 453 (2010). Appellant's motion is accompanied by an order of the district court certifying that upon remand it is inclined "to grant a Motion for Reconsideration" of the order that is the subject of this appeal.


Respondent has filed an opposition to the motion. Respondent primarily argues that because this case involves a motion for reconsideration, the remand procedure outlined in this court's opinion in Foster does not apply. Respondent's argument is not persuasive. In Foster, this court reiterated that the remand procedure is applicable in cases where an appeal has been perfected and thus the district court no longer has jurisdiction, but is inclined to grant a parties' post-judgment motion to "alter, vacate, or otherwise modify or change an order or judgment challenged on appeal." 126 Nev. at \_\_\_, 228 P.3d at 454. Here, the district court has reviewed appellant's motion for reconsideration and certified that it is inclined to grant that motion and reinstate several

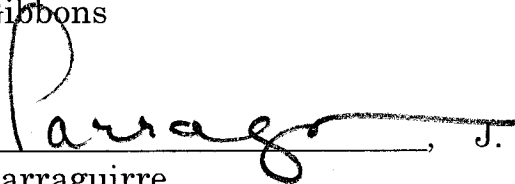
causes of action that were dismissed in the order that is currently being challenged on appeal. Clearly, judicial efficiency would be best served by remanding this matter to the district court to proceed with this matter.

Accordingly, we grant appellant's motion and remand this matter to the district court pursuant to its certification, and we order this appeal dismissed. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Jerry A. Wiese, District Judge  
Flangas McMillan Law Group, Inc.  
Backus, Carranza & Burden  
Eighth District Court Clerk

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<sup>1</sup>Cause appearing, we grant appellant's "Motion to Exceed Page Limit on Appellant's Reply to Respondent's Opposition to Motion to Remand." Accordingly, the clerk shall file the reply that was submitted along with the motion. See NRAP 27(d)(2).