

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN A. THOMASON; AND CITY OF
NORTH LAS VEGAS,

Appellants,

vs.

MARIO ROJAS-LOPEZ; MARIA ROJAS
INDIVIDUALLY; AND MARIA ROJAS

AS GUARDIAN AD LITEM FOR
MINORS MAYRA ROJAS, JANIA

ROJAS, AND ARACELY ROJAS,

Respondents.

No. 59933

FILED

SEP 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER GRANTING MOTION FOR CONFESSION OF ERROR
AND REVERSING AND REMANDING

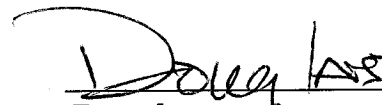
This is an appeal from a district court judgment after a bench trial in a tort action. On March 2, 2012, this court issued an order directing appellants to file and serve their opening brief and appendix within 90 days from the date of the order and providing that briefing would thereafter proceed in accordance with NRAP 31(a)(1). On May 31, 2012, appellants timely filed and served their opening brief, and respondents' answering brief was thereafter due on July 3, 2012.


Respondents failed to timely file their answering brief, and on July 31, 2012, counsel for appellants contacted respondents' counsel and informed him that the answering brief was overdue. On August 6, 2012, counsel for respondents responded to appellants' counsel's letter, stating that the brief would be filed by August 8, 2012. No extension of time to file the answering brief has been sought in or granted by this court, and to date respondents have not filed an answering brief.

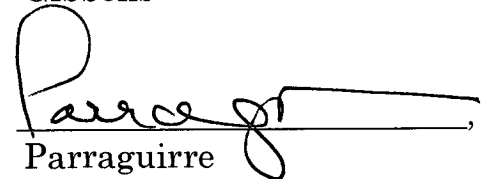
On August 9, 2012, appellants filed a motion for confession of error pursuant to NRAP 31(d). Respondents did not oppose the motion.

Having considered the motion, and based on respondents' failure both to file an answering brief and to oppose appellant's motion, we grant appellants' motion and treat respondents' failure to file an answering brief as a confession of error. NRAP 31(d); State of Rhode Island v. Prins, 96 Nev. 565, 613 P.2d 408 (1980) (explaining that this court may treat a respondent's failure to file an answering brief as a confession of error). Accordingly, we reverse the judgment in respondents' favor and remand this matter to the district court, with instructions to enter judgment in appellants' favor.

It is so ORDERED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Nancy L. Allf, District Judge
Janet Trost, Settlement Judge
North Las Vegas City Attorney
Law Offices of Michael H. Hamilton
Eighth District Court Clerk