

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN CARR,
Appellant,
vs.
GUSTAVO PAREDES; AND KAYLA D.
PAREDES,
Respondents.

No. 60318

JOHN CARR,
Appellant,
vs.
GUSTAVO PAREDES; AND KAYLA D.
PAREDES,
Respondents.

No. 61301

FILED

FEB 10 2014

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

ORDER VACATING IN PART AND REMANDING

These are consolidated appeals from district court orders entering judgment on a jury verdict, awarding costs, and denying a motion for a new trial based on attorney misconduct. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.


After the conclusion of appellant John Carr's personal injury suit against respondent Gustavo Paredes, Carr filed a motion for a new trial based on attorney misconduct. Carr provided three grounds to support his claim, and the parties fully briefed the issue. The district court denied Carr's motion, but failed to explain the reasoning behind its decision.


Now, we must determine if the district court's unexplained denial was an abuse of discretion. *See Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 362, 212 P.3d 1068, 1077 (2009) (this court reviews a ruling on a motion for a new trial for an abuse of discretion).


When a district court rules on a motion for a new trial based on attorney misconduct, it “*must* make specific findings, both on the record during oral proceedings and in its order, with regard to its application of the standards” enumerated in *Lioce v. Cohen*, 124 Nev. 1, 174 P.3d 970 (2008). *Lioce* at 19-20, 174 P.3d at 982 (emphasis added).

Here, the district court failed to make the necessary findings; therefore, we vacate the court’s order denying Carr’s motion and remand this matter to the district court. Carr raised additional issues on appeal; however, our decision regarding the district court’s denial of Carr’s motion for a new trial could render the other issues moot. Accordingly, we refrain from making a determination regarding the additional issues at this time. Also, we note that the record in this matter is inadequate. Large portions of transcripts from various court proceedings are missing. This inadequacy will hinder this court’s review and should be immediately corrected. Accordingly, we

VACATE the district court’s order denying the motion for a new trial and REMAND this matter to the district court for proceedings consistent with this order.


_____, C. J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Eighth Judicial District Court Dept. 4
Phillip Aurbach, Settlement Judge
Prince & Keating, LLP
Pyatt Silvestri & Hanlon
Eighth District Court Clerk