

IN THE SUPREME COURT OF THE STATE OF NEVADA

FQ MEN'S CLUB, INC. AS ASSIGN
FOR FRENCH QUARTER, INC.,
Appellant,
vs.
CITY OF RENO, A MUNICIPAL
CORPORATION OF THE STATE OF
NEVADA,
Respondent.

FQ MEN'S CLUB, INC., AS ASSIGN
FOR FRENCH QUARTER, INC.,
Appellant,
vs.
CITY OF RENO, A MUNICIPAL
CORPORATION OF THE STATE OF
NEVADA,
Respondent.

No. 63742

FILED

MAR 12 2015

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

No. 64176

*ORDER OF REVERSAL AND REMAND (DOCKET NO. 63742)
AND DISMISSING APPEAL (DOCKET NO. 64176)*

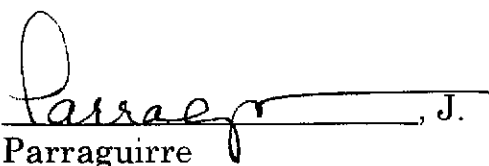
These are consolidated appeals from a district court order granting a motion to dismiss in a post-condemnation action and from a post-judgment order denying NRCP 60(b) relief. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

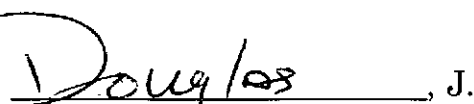
Having considered the parties' arguments and the record on appeal, we conclude that the district court erred in dismissing appellant's complaint as time-barred under NRS 11.190(3)(a). In particular, and assuming without deciding that NRS 11.190(3)(a) governs appellant's claim, respondent has offered no explanation as to why NRS 11.190(3)(a)'s three-year limitations period commenced on August 31, 2007. As appellant points out, the formal letter issued by respondent on that date did not constitute respondent's final determination regarding French

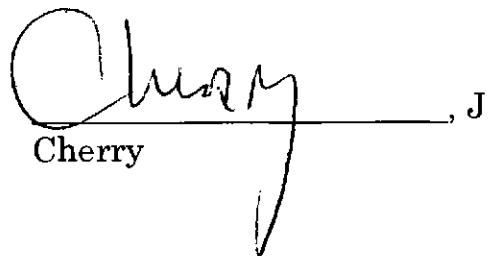
Quarter, Inc.'s request for reimbursement because French Quarter appealed that determination on September 11, 2007, and because respondent never resolved that appeal.¹ Thus, the district court improperly identified August 31, 2007, as the commencement date for NRS 11.190(3)(a)'s three-year limitations period. Respondent has not argued that the three-year period may have commenced on an alternate date, and no such date is apparent from the record. Therefore, we conclude that the district court erred in dismissing appellant's complaint on the ground that appellant's claim accrued on August 31, 2007, and was thereby time-barred by NRS 11.190(3)(a).

Consistent with the foregoing, we reverse the order granting the motion to dismiss in Docket No. 63742, and we remand this matter to the district court for further proceedings consistent with this order. Given our disposition in Docket No. 63742, we dismiss as moot appellant's appeal in Docket No. 64176.

It is so ORDERED.


Parraguirre, J.


Douglas, J.


Cherry, J.

¹Respondent summarily argues without citation to the record that appellant's claim was "formally denied" on October 30, 2007. The record does not contain any documentation suggesting that appellant's administrative appeal was denied on that date.

cc: Hon. Elliott A. Sattler, District Judge
Wm. Patterson Cashill, Settlement Judge
Law Offices of John J. Gezelin
Molof & Vohl
Reno City Attorney
Washoe District Court Clerk