

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAINA ATTAL; AND SAMUEL
ATTAL,
Appellants,
vs.
CITIMORTGAGE, INC.,
Respondent.

No. 64150

FILED

JUL 24 2014

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

ORDER DISMISSING APPEAL IN PART AND AFFIRMING IN PART


This is an appeal from a district court order denying a petition for judicial review in a Foreclosure Mediation Program (FMP) matter. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

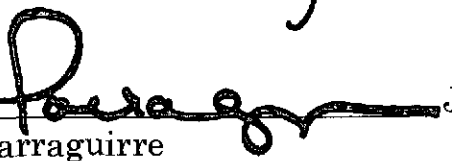
In an appeal from a district court order granting or denying judicial review in an FMP matter, this court defers to the district court's factual determinations and reviews de novo the district court's legal determinations. *Edelstein v. Bank of N.Y. Mellon*, 128 Nev. ___, ___, 286 P.3d 249, 260 (2012). To obtain an FMP certificate, a deed of trust beneficiary must: (1) attend the mediation; (2) participate in good faith; (3) bring the required documents; and (4) if attending through a representative, have a person present with authority to modify the loan or access to such person. NRS 107.086(4) and (5) (2011); *Leyva v. Nat'l Default Servicing Corp.*, 127 Nev. ___, ___, 255 P.3d 1275, 1278-79 (2011).


In light of respondent's rescission of the notice of default that formed the basis for the underlying mediation, the issues regarding respondent's document production and authority are moot. *Holt v. Reg'l Tr. Servs. Corp.*, 127 Nev. ___, ___, 266 P.3d 602, 606 (2011). Accordingly, we dismiss this appeal with regard to these issues.

The only issue on appeal that has not arguably been rendered moot is whether respondent mediated in bad faith. Appellants contend that respondent mediated in bad faith because respondent did not orally disclose the full terms of a written modification offer until the end of the mediation. We conclude that substantial evidence supports the district court's determination that this shortcoming did not amount to bad-faith mediation. *Edelstein*, 128 Nev. at ___, 286 P.3d at 260 (indicating that a district court's factual determinations will not be disturbed on appeal if they are supported by substantial evidence). Accordingly, we affirm the district court's decision to not impose sanctions on respondent. *Id.*

It is so ORDERED.

 _____, J.
Pickering

 _____ J.
Parraguirre

 _____, J.
Saitta

cc: Hon. Kathleen E. Delaney, District Judge
Hafter Law
RCO Legal, P.S.
Eighth District Court Clerk