

IN THE SUPREME COURT OF THE STATE OF NEVADA

LN MANAGEMENT, LLC,
Appellant,
vs.
BRAD CABAN; AND GREEN TREE
SERVICING, LLC,
Respondents.

No. 64833

FILED

NOV 05 2014

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

ORDER REVERSAL AND REMAND

This is an appeal from a district court order granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Jerome T. Tao, District Judge.

After appellant filed its opening brief, respondent Green Tree Servicing filed a notice of nonopposition, stating that while Green Tree is opposed to appellant's position in the underlying litigation, Green Tree agrees with appellant that its claims for quiet title are not required to be mediated under NRS 38.310. Green Tree thus informed this court that it would not be filing an answering brief.¹ We agree with appellant and Green Tree that dismissal was improper.² NRS 38.310; *McKnight Family*,

¹On September 11, 2014, this court entered an order removing attorney Edward Gonciarz as attorney for respondent Brad Caban. That order allowed Mr. Caban 30 days to either retain new counsel and cause counsel to enter a notice of appearance in this court or to inform this court that he will not be retaining new counsel. Mr. Caban has not responded to that order, and it thus appears that he will not be retaining counsel for this appeal.

²We have determined, under NRAP 34(f), that oral argument is not warranted in this case.

L.L.P. v. Adept Mgmt. Servs., Inc., 129 Nev. ___, ___, 310 P.3d 555, 559 (2013) (recognizing that a quiet title claim is exempt from NRS 38.310's mediation requirement). Accordingly, we reverse the dismissal order and remand this matter to the district court for further proceedings consistent with this order.

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Jerome T. Tao, District Judge
Greene Infuso, LLP
Tiffany & Bosco, P. A.
Brad Caban
Eighth District Court Clerk