

IN THE SUPREME COURT OF THE STATE OF NEVADA

SERENE LIMITED LIABILITY
COMPANY,
Appellant,
vs.
DESERT PLASTERING, LLC,
Respondent.

No. 64066

FILED

OCT 16 2015

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

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order, certified as final under NRCP 54(b), dismissing a construction defect action. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.¹

On the eve of trial, the district court dismissed appellant's action on the grounds that appellant lacked standing and/or was not the real party in interest. We conclude that appellant should have been able to proceed under a third-party beneficiary theory or on the ground that it had obtained an assignment of rights. See NRCP 17(a). We therefore

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

[Signature], J.
Saitta

[Signature], J.
Gibbons

[Signature], J.
Pickering

¹Judge Williams did not preside over the hearing at which dismissal was granted.

cc: Hon. Timothy C. Williams, District Judge
Stephen E. Haberfeld, Settlement Judge
Pengilly Law Firm
Herold & Sager/Las Vegas
Carraway & Associates
Cisneros & Marias
Lincoln, Gustafson & Cercos
Lemons, Grundy & Eisenberg
Eighth District Court Clerk