

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN D. HU, ESQ.,  
Appellant,  
vs.  
HARSCH INVESTMENT PROPERTIES-  
NEVADA, LLC, AN OREGON LIMITED  
LIABILITY COMPANY, QUALIFIED TO  
DO BUSINESS IN NEVADA,  
Respondent.

No. 67906

FILED

MAR 18 2016

TRACIE R. INDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER APPROVING STIPULATION IN PART, VACATING  
JUDGMENT AND REMANDING*

This is a pro se appeal from a district court judgment on an arbitration award in a contract action. Eighth Judicial District Court, Clark County; Nancy L. Alf, Judge. We directed respondent to file a response to appellant's pro se brief and specifically address whether the district court's order striking appellant's request for a trial de novo under NAR 22(A) complied with *Chamberland v. Labarbera*, 110 Nev. 701, 705, 877 P.2d 523, 525 (1994), requiring such orders to be accompanied by specific written findings of fact and conclusions of law by the district court describing the type of conduct and how it constituted a failure of good faith participation.

In response, the parties filed a joint "stipulation to dismiss appeal and underlying actions" requesting the dismissal with prejudice of this appeal, the underlying arbitration award and judgment for respondent, and appellant's underlying counterclaim. The stipulation also requests that each party bear their own attorney fees and costs and that respondent refund to appellant his security deposit of \$4,366 but no other funds.

Because a dismissal of this appeal would allow the judgment on the arbitration award to stand, which is not the intent of the parties' stipulation, we disapprove of the stipulation to the extent it seeks this appeal's dismissal and approve it to the extent it seeks to undo the underlying judgment. Accordingly, we vacate the judgment entered on the arbitration award and remand this matter to the district court with instructions to enter an order dismissing the case under the terms of the parties' stipulation. The parties shall bear their own attorney fees and costs on appeal. NRAP 42(b).

It is so ORDERED.

Hardesty, J.  
Hardesty

Saitta, J.  
Saitta

Pickering, J.  
Pickering

cc: Hon. Nancy L. Alf, District Judge  
John D. Hu  
Albright Stoddard Warnick & Albright  
Eighth District Court Clerk