

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES C. ANDERSON AND SUSAN M.
ANDERSON,

Appellants,

vs.

JOHN R. WINTER, AND H. CATHERINE
DUNEMAN-TAYLOR, F/K/A H. CATHERINE
DUNEMAN AND F/K/A H. CATHERINE
WINTER,

Respondents.

No. 36438

FILED

JAN 22 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying a motion for relief from judgment pursuant to NRCP 60(b).

On June 3, 1998, the district court entered summary judgment against appellants. On July 6, 1998, appellants filed a notice of appeal from the June 3, 1998, order. That appeal was docketed in this court as No. 32669.

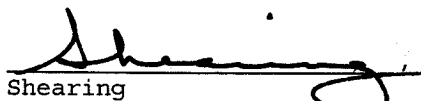
On June 26, 1998, appellants filed a motion for relief from judgment pursuant to NRCP 60(b). Because of the pending appeal, appellants filed a motion in the district court requesting the court to certify that it was inclined to grant relief on the NRCP 60(b) motion pursuant to the procedure set forth in *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978). On June 9, 2000, the district court entered an order denying appellants' request for certification and denying appellants' NRCP 60(b) motion. This appeal followed.

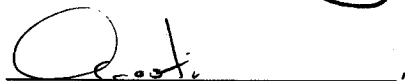
On November 14, 2000, this court entered an order in Docket No. 32669 reversing the June 3, 1998, summary judgment, and remanding the matter for trial. Consequently, it appeared that the instant appeal challenging the June 9, 2000 order denying appellants' motion for relief from judgment had become

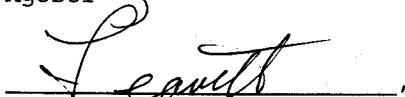
moot. Specifically, once this court reversed the June 3, 1998 summary judgment, there was no longer a judgment from which relief may be sought under NRCP 60(b).

Accordingly, on December 5, 2000, this court ordered appellants to show cause why this appeal should not be dismissed as moot. On December 26, 2000, appellants filed a response to the order conceding that the appeal is moot, and that it should be dismissed on that basis. Accordingly, we

ORDER this appeal dismissed.


Shearing J.


Agosti J.


Leavitt J.

cc: Hon. Steven R. Kosach, District Judge
Bradley Paul Elley
Walther Key Maupin Oats Cox Klaich & LeGoy
H. Catherine Duneman-Taylor
Washoe County Clerk