

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH ANORUO,  
Appellant,  
vs.  
HEARTWOOD 2, LLC,  
Respondent.

No. 70686

FILED

APR 13 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

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

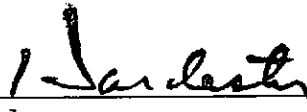
Respondent has filed a notice and supplemental notice in which it states that it has recorded a notice of rescission of notice of default. Respondent asserts that the issues raised in this appeal are now moot and requests that the appeal be dismissed. Attached to the supplemental notice is a copy of the recorded notice of rescission of notice of default. Appellant has filed an opposition in which he states that he has expended substantial fees and costs to pursue this appeal, and would "have no complaint" if respondent had "timely" rescinded the notice of default. He requests that his appeal not be dismissed and we remand this matter to the district court to determine the amount of legal fees and costs unnecessarily expended where respondent allowed the case to proceed only to rescind the notice of default at the last moment. Respondent opposes the request to remand.

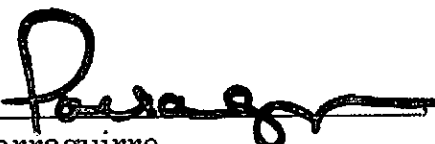
Appellant does not dispute respondent's contention that this appeal has been rendered moot, or assert that an exception to the mootness doctrine applies. Accordingly, we dismiss this appeal as moot.


17-12308

See, e.g., *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010). We decline appellant's request to remand this matter to the district court. Appellant improperly relies upon the unpublished disposition in *Zderic v. HSBC Bank U.S.A., N.A.*, Order Dismissing Appeal in Part, Affirming in Part, Granting Sanctions, and Remanding (Docket No. 63127, Feb. 13, 2014). See NRAP 36(c)(3) (allowing citation to unpublished dispositions issued on or after January 1, 2016). Moreover, respondent's conduct is distinguishable from the conduct of the respondent in *Zderic*; respondent here recorded the notice of rescission and promptly informed both this court and appellant. Such conduct does not warrant sanctions.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Kathleen E. Delaney, District Judge  
Janet Trost, Settlement Judge  
Crosby & Fox, LLC  
McCarthy & Holthus, LLP/Las Vegas  
Eighth District Court Clerk