

IN THE SUPREME COURT OF THE STATE OF NEVADA

STARWOOD (HRW) TIMESHARE, LLC,
DELAWARE LIMITED LIABILITY
COMPANY, AND DI TIMESHARE
(DELAWARE) LLC, A DELAWARE LIMITED
LIABILITY COMPANY,

Appellants,

vs.

DESERT INN COUNTRY CLUB ESTATES
HOMEOWNERS' ASSOCIATION; NAN
SCHWARTZ; MARK SWAIN, INDIVIDUALLY
AND AS TRUSTEE OF THE MARK SWAIN
REVOCABLE TRUST; GILBERT C.
BARBIERI, INDIVIDUALLY AND AS
TRUSTEE OF THE GILBERT C. BARBIERI
TRUST; PAULA QUAGLIANA AND JOSEPH
M. QUAGLIANA; YALE COHEN AND TOBY
COHEN; LEONARD BLOCK AND ADA
BLOCK; KAY G. GLENN, INDIVIDUALLY
AND AS TRUSTEE OF THE KAY GLENN
TRUST; JEFFREY B. KING; FRANK
CATANIA, INDIVIDUALLY AND AS
TRUSTEE OF THE CATANIA FAMILY
TRUST; MAY B. MUSHKIN,
INDIVIDUALLY AND AS TRUSTEE OF THE
MAY B. MUSHKIN REVOCABLE LIVING
TRUST; SAMUEL I. OLLINS,
INDIVIDUALLY AND AS TRUSTEE OF THE
SAMUEL I. OLLINS TRUST; ADA K.
COHEN, INDIVIDUALLY AND AS TRUSTEE
OF THE KOVAC-COHEN 1989 TRUST;
SHARON GREENBAUM, THE TRUSTEE AND
EXECUTRIX OF GEORGE COSTELLO
(DECEASED), INDIVIDUALLY AND AS
TRUSTEE OF THE COSTELLO FAMILY
TRUST; A.L. GREENBAUM,
INDIVIDUALLY AND AS TRUSTEE OF THE
A.L. GREENBAUM DECLARATION TRUST;
SHARON GREENBAUM, INDIVIDUALLY AND
AS TRUSTEE OF THE SHARON M.
GREENBAUM 1998 TRUST; ATTILLIO R.
MAROSCIA; AND DIANE C. MAROSCIA,

Respondents.

No. 36466

FILED

MAR 14 2001

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

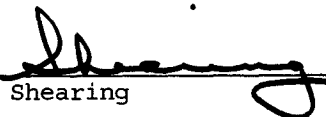
ORDER DISMISSING CERTIFIED QUESTION

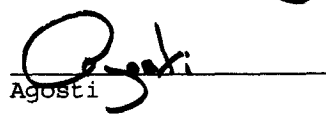
This is a certified question pursuant to NRAP 5 from the United States District Court for the District of Nevada. On September 11, 2000, we instituted a briefing schedule. On November 14, 2000, appellants filed a notice stating that they had voluntarily dismissed their action in federal court, and asserting that this matter was now moot. Appellants indicated that the federal action would be terminated once the federal


district court signed the stipulated dismissal. While appellants attached a file-stamped copy of their "Notice of Voluntary Dismissal Without Prejudice," filed in the federal court, they did not attach a copy of an order dismissing the federal action. Therefore, on January 23, 2001, we suspended the briefing schedule in this matter and directed appellants to file a status report on the federal action. Appellants timely filed a status report and a supplemental status report.

In their reports, appellants indicate that they filed a motion in federal court seeking a dismissal of the action and requested the federal court to issue an order withdrawing the question certified to this court. A file-stamped copy of the motion, dated February 12, 2001, is attached to the status report, and a file-stamped copy of the federal court's order granting the motion, entered on February 15, 2001, is attached to the supplemental status report. The federal court's order dismisses the federal action and withdraws its certification of the question to this court. We thus conclude that this matter is now moot and should be dismissed.

It is so ORDERED.


Shearing J.


Agosti J.


Rose J.

cc: Hon. Philip M. Pro, United States District Judge
Hale Lane Peek Dennison Howard & Anderson
Deaner, Deaner, Scann, Malan & Larsen
United States District Court Clerk, District of Nevada