

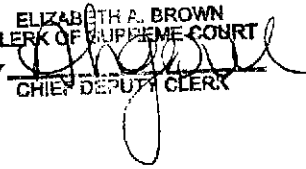
IN THE SUPREME COURT OF THE STATE OF NEVADA

RODNEY HOLDINGS, LLC,
Appellant,
vs.
U.S. BANK NATIONAL ASSOCIATION,
A TRUSTEE FOR STRUCTURED
ASSET INVESTMENT LOAN TRUST,
MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2003-BC13,
Respondent.

No. 69872

FILED

MAR 15 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF REVERSAL AND REMAND


This is an appeal from a district court order granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.


The district court granted respondent U.S. Bank's motion to dismiss on the ground that the relevant provisions in NRS Chapter 116 violate the due process clauses of the federal and state constitutions. The district court's decision conflicts with this court's subsequent decision in *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home Mortgage*, 133 Nev., Adv. Op. 5, 388 P.3d 970 (2017). In that case, we rejected an identical due process challenge.¹ Given our decision in *Saticoy Bay*, the


¹We need not address the argument that NRS 116.3116 uses an "opt-in" notice scheme because it would not change the holding in *Saticoy Bay* that due process is not implicated, which was based on the absence of state action. See 133 Nev., Adv. Op. 5, 388 P.3d at 974. Nevertheless, we note that this court has observed that NRS 116.31168 (2013) incorporated NRS 107.090 (2013), which required that notices be sent to a deed of trust beneficiary. *SFR Inv. Pool 1 v. U.S. Bank, N.A.*, 130 Nev. 742, 756, 334 P.3d 408, 418 (2014); *id.* at 762, 334 P.3d at 422 (Gibbons, C.J., dissenting); see also *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, 832 F.3d 1154, 1163-64 (9th Cir. 2016) (Wallace, J., dissenting).

district court erred in granting the motion to dismiss. The district court did not reach any of the other issues briefed by the parties, and we decline to do so in the first instance. We therefore

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


_____, J.
Cherry


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Kathleen E. Delaney, District Judge
Janet Trost, Settlement Judge
The Law Office of Mike Beede, PLLC
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk