

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANELLE MERBACH,  
Appellant,

vs.

NATIONSTAR MORTGAGE, LLC, AS  
SERVICER FOR HSBC BANK USA,  
NATIONAL ASSOCIATION AS  
TRUSTEE FOR THE CERTIFICATE  
HOLDERS OF THE SARM 2007-5  
TRUST FUND,

Respondent.

No. 69324

**FILED**

FEB 08 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from an order denying a petition for judicial review of a foreclosure mediation proceeding. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Respondent has filed a motion to dismiss the appeal as moot because the notice of default that forms the basis of the appeal has been rescinded. Appellant concedes the appeal is moot, but has moved for attorney fees pursuant to NRAP 38 for having been compelled to attend an unnecessary settlement conference held after the notice of default had been vacated. Respondent opposes an award of attorney fees.<sup>1</sup>

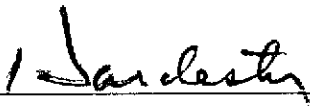
Having considered the arguments of the parties, we deny the motion for fees. Counsel for appellant was on notice at the time of the February 29, 2016, settlement conference that the notice of default was

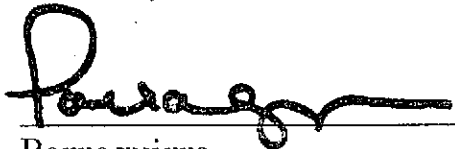
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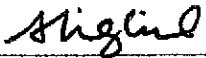
<sup>1</sup>We approve the stipulation of the parties to extend the time to file the reply in support of the motion to dismiss. The clerk of this court shall file the reply received on June 30, 2016. We deny as moot the stipulation to extend the briefing schedule.

rescinded. While respondent could have moved for dismissal earlier than June 1, 2016, so too could appellant have voluntarily withdrawn the appeal. As the appeal is moot, we grant the motion to dismiss and we

ORDER this appeal DISMISSED.

, J.  
Hardesty

, J.  
Parraguirre

, J.  
Stiglich

cc: Hon. David A. Hardy, District Judge  
Jill I. Greiner, Settlement Judge  
Reno Law Group, LLC  
Akerman LLP/Las Vegas  
Washoe District Court Clerk