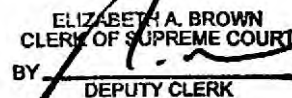
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TROY MOORE, Appellant, vs. DOUGLAS WILLIAMS, AN INDIVIDUAL; AND VIVA LAS VEGAS AUTOS, INC., A NEVADA CORPORATION, Respondents.	No. 77940-COA



JUL 13 2020
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Troy Moore appeals from a district court judgment entered on an arbitration award following a district court order striking his request for trial de novo. Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

Moore filed a complaint against respondents Douglas Williams and Viva Las Vegas Autos, Inc., alleging various causes of action related to an agreement to purchase and restore a vehicle. The matter proceeded in the court-annexed arbitration program, and the arbitrator found for Williams and Viva. After the arbitration award was entered, Moore filed a request for trial de novo. Williams and Viva filed a motion to strike the request for trial de novo, which Moore opposed. The court did not hold a hearing on the motion and set forth its decision granting the motion and some reasoning for the decision in its minutes. Thereafter an order granting the motion to strike was entered, but it did not contain any findings or conclusions of law, and instead summarily stated that for good cause shown it was ordered that Moore waived his right to a trial de novo pursuant to NAR 22. Judgment on the arbitration award was subsequently entered, and this appeal followed.

20-25655

On appeal, Moore argues that the order is facially defective because it does not contain any findings. Williams and Viva argue that the order is sufficient because it implicitly incorporated the arbitration decision and the facts and arguments in their motion to strike, and also because the minute order described the basis for the decision. But as set forth in *Chamberland v. Labarbera*, 110 Nev. 701, 705, 877 P.2d 523, 525 (1994), when a district court strikes a request for trial de novo under NAR 22(A), its order must include "specific written findings of fact and conclusions of law" that describe "what type of conduct was at issue and how that conduct rose to the level of failed good faith participation." Because the order did not contain the required findings of fact or conclusions of law, it is deficient.

Williams and Viva argue that, if this court concludes the order is deficient, this court should issue a limited remand for the purpose of allowing the district court to enter an amended order with the required findings and conclusions. But here, the only indication of what the district court was relying on in making its decision comes from the minutes, which note that because Moore failed to challenge the arbitrator's finding that he did not participate in the arbitration in good faith, the court must accept that finding. However, there is nothing in the Nevada Arbitration Rules or otherwise that suggests that an arbitrator's finding of a failure to participate in good faith must be challenged through NAR 8(B) or that the district court is required to accept such a finding. *Cf. Campbell v. Maestro*, 116 Nev. 380, 382-83, 996 P.2d 412, 413-14 (2000) (reviewing a district court's order striking a request for trial de novo wherein the district court made its own determination of a lack of good faith participation, even though the arbitrator had made a finding of a lack of good faith and there was no indication that the party challenged that finding under the process

set forth in the prior version of NAR 8(B), which is substantively the same as the current rule). Under these circumstances, we decline to order a limited remand. Instead, we reverse this decision and remand this matter for further proceedings on Moore's request for trial de novo and Williams and Viva's motion to strike. In considering these requests on remand, the district court shall evaluate whether Moore failed to participate in the arbitration in good faith.

It is so ORDERED.[1]

Gibbons, C.J.

Tao, J.

Bulla, J.

cc: Hon. Richard Scotti, District Judge
The Feldman Firm, P.C.
Shumway Van
Eighth District Court Clerk

[1]In light of this disposition, we need not consider the other arguments raised by the parties and make no comment on the merits thereof or the merits of the underlying motion to strike the request for trial de novo. Further, nothing in this order should be construed as prohibiting the district court from entering another order striking the request for trial de novo, which includes the required findings.