

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTINA CALDERON STIPP,
Appellant/Cross-Respondent,
vs.
MITCHELL DAVID STIPP,
Respondent/Cross-Appellant.

No. 57327

FILED

JUL 23 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY K. Malone
DEPUTY CLERK

ORDER DENYING MOTION FOR CLARIFICATION

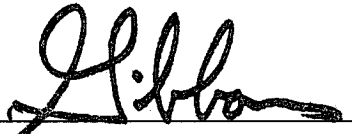
On May 24, 2013, this court entered a dispositional order in this appeal and cross-appeal from a district court post-divorce decree order concerning child custody. The district court's order determined the parties' custodial timeshare under their agreement and awarded respondent additional custodial time. On appeal, this court reversed the district court's order and remanded the matter to the district court to make specific findings as to how that court calculated the custodial timeshare. The remittitur issued on June 18, 2013.

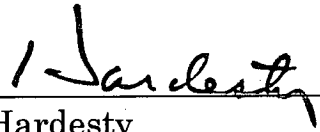
On July 17, 2013, respondent/cross-appellant filed this emergency motion for clarification of this court's dispositional order. In the motion, respondent contends that the remittitur may have been issued in error because this court's order of reversal and remand was not a final disposition of the appeal, but merely a limited remand for the sole purpose of making findings as to how the custodial timeshare was calculated. Respondent argues that once the district court enters those findings, this court retains jurisdiction to consider the remainder of the parties' appellate arguments. Respondent further asserts that the underlying case has been administratively reassigned to a new district judge, and requests

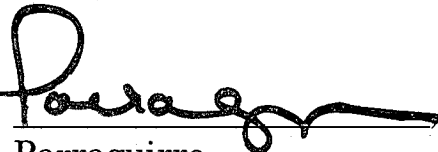
clarification as to which district judge should make the factual findings on remand. Finally, respondent requests clarification as to whether his additional timeshare granted by the district court in the appealed order remains in effect.

Contrary to respondent's assertion, this court's May 24, 2013, order of reversal and remand constituted a final disposition of this appeal and cross-appeal, and thus the remittitur properly issued. The proper issuance of a remittitur divests an appellate court of jurisdiction over an appeal and returns jurisdiction to the district court. *See* NRAP 41; *Dickerson v. State*, 114 Nev. 1084, 1087, 967 P.2d 1132, 1134 (1998). As a result, we no longer have jurisdiction to entertain respondent's request and we therefore deny respondent's motion for clarification.

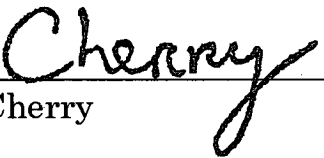
It is so ORDERED.¹

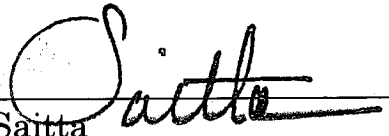

Gibbons, J.


Hardesty, J.


Parraguirre, J.


Douglas, J.


Cherry, J.


Saitta, J.

¹The Honorable Kristina Pickering, Chief Justice, voluntarily recused herself from participation in the decision of this matter.

cc: Hon. Frank P. Sullivan, District Judge, Family Court Division
Robert E. Gaston, Settlement Judge
Vaccarino Law Office
Mitchell D. Stipp
Smith & Taylor
Abrams Law Firm, LLC
Routsis Hardy-Cooper
Eighth District Court Clerk