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Clerk of Supreme Court

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13
14 **IN THE SUPREME COURT OF
THE STATE OF NEVADA**

15 MITCHELL DAVID STIPP,
16 Appellant,

CASE NO.: 57876

17 v.


18
19 CHRISTINA CALDERON STIPP
20 Respondent,

21
22 **MOTION TO REMAND CASE TO DISTRICT COURT**

23
24 COMES NOW, Appellant, MITCHELL D. STIPP ("Mitchell"), by and through his attorney
25 Radford J. Smith, Esq., and hereby moves this Court, to remand the case to the district court. This
26 motion is made and based upon the following points and authorities.
27
28

1 DATED this 8th day of July, 2011

2 RADFORD J. SMITH, CHARTERED

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10 Attorneys for Appellant Mitchell Stipp

11 I.

12 POINTS AND AUTHORITIES

13 On April 18, 2011, the Nevada Supreme Court issued an order to show cause why the appeal of
14 Mitchell David Stipp ("Mitchell") in this case should not be dismissed for lack of jurisdiction. Mitchell
15 submitted his response on May 18, 2011 (Document 11-14726). As part of Mitchell's response,
16 Mitchell informed the Court that he filed in the district court on April 20, 2011 an *ex parte* motion to
17 correct the minutes and order from the hearing on December 1, 2010. A copy of that motion is attached
18 as Exhibit "E" to Mitchell's May 18, 2011 response. The district court has certified its inclination
19 pursuant to *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), as clarified and explained by
20 *Foster v. Dingwall*, 228 P.3d 453 (Nev. 2010), to grant Mitchell's motion and to revise, pursuant to
21 NRCP 60(a), the minutes and order arising from that hearing. Attached hereto as Exhibit "A" is a copy
22 of the order entered by the district court.
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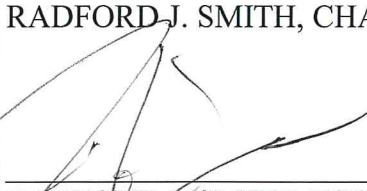
II.

CONCLUSION

Therefore, Mitchell moves this Court to remand this case to the district court so that it can grant the relief requested in Mitchell's motion.

DATED this 8 day of July, 2011

RADFORD J. SMITH, CHARTERED



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Attorneys for Appellant Mitchell Stipp

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document described as "MOTION TO REMAND
CASE TO DISTRICT COURT" by mail pursuant to NRAP 25 on this 8th day of July, 2011, to all
interested parties as follows:

Patricia L. Vaccarino, Esq.
Vaccarino Law Office
8861 W. Sahara Avenue., Suite 210
Las Vegas, Nevada 89117


An employee of Radford J. Smith, Chartered

APPELLANT'S MOTION

EXHIBIT A


CLERK OF THE COURT

1 **ORDER**
2 RADFORD J. SMITH, CHARTERED
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11
12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 CHRISTINA CALDERON STIPP,

15 Plaintiff,

16 vs.

17 MITCHELL DAVID STIPP,

18 Defendant.

CASE NO.: D-08-389203-Z

DEPT NO.: M

FAMILY DIVISION

19 **CERTIFICATION OF COURT'S INCLINATION TO CORRECT**
20 **MINUTES AND ORDER FROM HEARING ON DECEMBER 1, 2010**

21 DATE OF HEARING: June 15, 2011

22 TIME OF HEARING: 3:00 p.m.

23 This matter has been addressed through Defendant's Ex Parte Motion to Correct Minutes and
24 Order delivered to the Court after the Court announced at the hearing of April 12, 2011 that it believed
25 that its Order arising from the December 1, 2010 hearing, filed January 25, 2011. Defendant restated, at
26 the hearing of June 15, 2011, by oral motion his request that the Court certify its inclination to revise the
27 January 25, 2011 order. Pursuant to those motions, this Court certifies its inclination pursuant to
28 *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), as clarified and explained by *Foster v.*


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DEPT. M

1 *Dingwall*, 228 P.3d 453 (Nev. 2010), to grant Defendant's Motion to Correct Minutes and Order, and to
2 revise, pursuant to NRCP 60(a), the minutes and order arising from the hearing of December 1, 2011.

3 IT IS SO ORDERED this _____ day of JUN 28 2011, 2011.

4
5 
6 _____
7 DISTRICT COURT JUDGE

8 *Respectfully Submitted*
9 RADFORD J. SMITH, CHARTERED

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11 _____
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