

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEWIS HELFSTEIN; MADALYN
HELFSTEIN; SUMMIT LASER
PRODUCTS, INC.; AND SUMMIT
TECHNOLOGIES, LLC,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; THE HONORABLE ELISSA F.
CADISH, DISTRICT JUDGE; AND THE
HONORABLE ELIZABETH GOFF
GONZALEZ, DISTRICT JUDGE,

Respondents,

and

IRA AND EDYTHE SEAVER FAMILY
TRUST; IRA SEAVER; AND CIRCLE
CONSULTING CORPORATION,

Real Parties in Interest.

No. 65409

FILED

MAY 23 2014

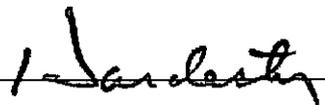
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malin*
DEPUTY CLERK

ORDER DIRECTING ANSWER

This original petition for a writ of mandamus or prohibition challenges district court orders denying motions to dismiss a pending NRCP 60(b) motion and to disqualify the district court judge in a corporations action. Having reviewed the petition, it appears that petitioners have set forth issues of arguable merit and that petitioners may have no plain, speedy, and adequate remedy in the ordinary course of the law. Therefore, real parties in interest, on behalf of respondents, shall have 30 days from the date of this order within which to file and serve an answer, including authorities, against issuance of the requested writ. Petitioners shall have 15 days from service of the answer to file and serve any reply.

In responding to this directive, the parties shall address all of the issues raised in the writ petition, with particular attention paid to the question of whether the six-month time period for seeking NRCP 60(b) relief runs from the date that the final judgment was entered in the underlying case, from the date that the settlement was entered into, or from the date that the voluntary dismissal order was filed. Because there appears to be some uncertainty as to whether a final judgment has been entered below, the parties shall also address whether a final judgment resolving all of the underlying claims has actually been entered such that NRCP 60(b) relief would be appropriate. Finally, the parties are also specifically directed to address whether an NRCP 60(b) motion can be utilized to relieve a party from a settlement agreement or an NRCP 41(a) voluntary notice of dismissal. If necessary, the parties shall supplement the appendix to enable this court to review these issues.

It is so ORDERED.

 A.C.J.

cc: Hon. Elissa F. Cadish, District Judge
Hon. Elizabeth Goff Gonzalez, District Judge
Foley & Oakes, PC
Cotton, Driggs, Walch, Holley, Woloson & Thompson/Las Vegas