

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE BEATRICE
B. DAVIS FAMILY HERITAGE TRUST,
DATED JULY 28, 2000, AS AMENDED
ON FEBRUARY 24, 2014.

No. 68542

FILED

DEC 09 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

CHRISTOPHER D. DAVIS,
Appellant,

vs.

CAROLINE DAVIS; DUNHAM TRUST
COMPANY; STEPHEN K. LEHNARDT;
TARJA DAVIS; WINFIELD B. DAVIS;
ACE DAVIS; AND FHT HOLDINGS
LLC, A NEVADA LIMITED LIABILITY
COMPANY,
Respondents.

No. 68948

CHRISTOPHER D. DAVIS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
GLORIA STURMAN, DISTRICT
JUDGE,
Respondents,
and
CAROLINE DAVIS,
Real Party in Interest.

ORDER

The appeal in Docket No. 68542 and the original petition in Docket No. 68948 challenge the same district court order that, in part: (1) granted a petition for the district court to assume jurisdiction over

Christopher D. Davis as an investment trust advisor, without prejudice; (2) confirmed Dunham Trust Company as directed trustee; (3) granted a petition for disclosure of documents and information from Christopher; and (4) denied Christopher's motion to dismiss the petition to assume jurisdiction over him.

Christopher previously requested a stay of the district court proceedings pending resolution of these matters. In the appeal, respondent Caroline Davis opposed the motion for stay and also filed a motion for remand under *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), and *Foster v. Dingwall*, 126 Nev. 49, 228 P.3d 453 (2010). We entered a temporary stay pending our consideration of additional briefing on the motion for remand, which has now been filed.

In the motion for remand and supplement thereto, Caroline has demonstrated that the district court has certified its inclination to grant a motion to amend the order being challenged in these proceedings. It appears the district court's intended amendments, which only slightly modify its conclusion that it does indeed have jurisdiction over Christopher, will not render these challenges moot. Indeed, the parties' briefing on the motion for remand debates the merits of the challenge and the district court's amendment. In order to ensure that this court has before it the district court's most updated explanation for its decision, we grant the motion and remand this matter to the district court pursuant to its certification for the limited purpose of allowing the district court to enter its amended order. The district court shall have 30 days from the

date of this order to enter its written decision and to transmit a certified copy of that decision to this court.¹

We note that it is unclear whether this court's authority to consider the challenge to the district court's order exists by way of appeal or writ proceeding. In his docketing statement in the appeal, Christopher asserts that the district court order is appealable under NRS 155.190(1)(h), which allows for an appeal from an order appointing a trustee. In the writ proceeding, Christopher admits that an investment trust advisor such as himself is not identified in the pertinent statutes as a trustee, and that "case law seems to indicate that a trust advisor is something less than a trustee or a quasi-trustee," and thus Christopher filed the writ petition to the extent that the challenged order is not appealable.


We conclude that while it appears the order at issue may be appealable to the extent that it confirms Dunham Trust Company as a directed trustee, we have not had occasion to address the proper scope of such an interlocutory appeal, that is, whether only the appointment of the trustee may be challenged in such an appeal or whether a party can also challenge related interlocutory rulings in an appeal from such an order.² Accordingly, at this time, we conclude that the appeal in Docket No. 68542 may proceed, but that these matters should be consolidated and the parties should address jurisdiction in their briefing, as set forth below.


¹Besides the entry of the amended order as authorized here, the stay entered on October 22, 2015, shall remain in effect until further order of this court.

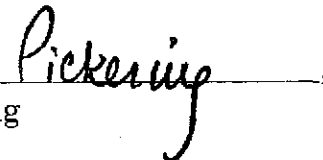
²Christopher's challenges to the district court's order go beyond appointment of Dunham Trust Company as trustee.

The clerk shall consolidate these matters for all appellate purposes. As noted above, the district court shall have 30 days from the date of this order to enter its amended order pursuant to its certification and to transmit a copy of that order to this court. Appellant/petitioner Christopher Davis shall have 60 days from the date of this order to file and serve a supplemental opening brief addressing the district court's amended order and shall address, with argument and citation to pertinent authorities, whether, and to what extent, the district court's order is appealable under NRS 155.190(1)(h) and/or any other statute or court rule. Each respondent/real party in interest shall have 30 days from service of the supplemental opening brief to file and serve an answering brief that responds to the writ petition, opening brief, and supplemental opening brief, and includes argument on the jurisdictional issue set forth above. Appellant/petitioner shall then have 30 days from service of the combined answering brief and answer to file and serve any reply brief.

It is so ORDERED.


Saitta, J.


Gibbons, J.


Pickering, J.

cc: Hon. Gloria Sturman, District Judge
Anthony L. Barney, Ltd.
Roland Law Firm
Ace Davis
Lee, Hernandez, Landrum, Garofalo
Clear Counsel Law Group
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Tarja Davis
Winfield B. Davis
Eighth District Court Clerk