

IN THE SUPREME COURT OF THE STATE OF NEVADA

DITECH FINANCIAL LLC F/K/A
GREEN TREE SERVICING, LLC,
Appellant,
vs.
SANFORD BUCKLES, ON BEHALF OF
HIMSELF AND OTHERS SIMILARLY
SITUATED,
Respondent.

No. 70475

FILED

JUN 24 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

***ORDER ACCEPTING CERTIFIED QUESTIONS, DIRECTING
BRIEFING AND DIRECTING SUBMISSION OF FILING FEE***

This matter involves legal questions certified to this court, under NRAP 5, by the United States District Court for the District of Nevada. Specifically, the U.S. District Court has certified the following questions to this court:

Plaintiff's position: Does NRS 200.620 apply to telephone recordings made by a party outside Nevada, who regularly records telephone conversations with Nevada residents, of telephone conversations with a person in Nevada without that person's consent?

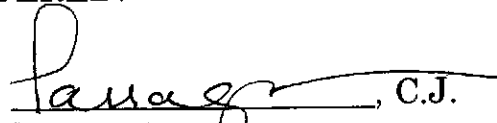
Defendant's position: Does NRS 200.620 apply to telephone recordings made by a party outside Nevada who uses equipment outside Nevada to record telephone conversations with a person in Nevada without that person's consent? If so, does that decision apply retroactively, or prospectively only?

As no clearly controlling Nevada precedent exists with regard to these legal questions and the answers may determine the federal case, we accept these certified questions. See NRAP 5(a); *Volvo Cars of N. Am., Inc. v. Ricci*, 122 Nev. 746, 749-51, 137 P.3d 1161, 1163-64 (2006).

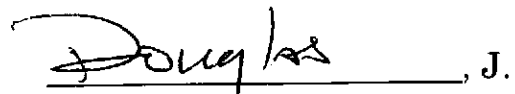
Accordingly, appellant shall have 30 days from the date of this order to file and serve an opening brief. Respondent shall have 30 days from the date the opening brief is served to file and serve an answering brief. Appellant shall then have 20 days from the date the answering brief is served to file and serve any reply brief. The parties' briefs shall comply with NRAP 28, 28.2, 31(c), and 32. See NRAP 5(g)(2). The parties are directed to file a joint appendix including, at a minimum, respondent's complaint to which appellant's motion to dismiss was addressed, as well as any other relevant documents. See NRAP 5(d).

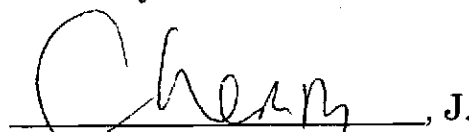
Lastly, in any proceeding under NRAP 5, fees "shall be the same as in civil appeals . . . and shall be equally divided between the parties unless otherwise ordered by the certifying court." NRAP 5(e). The U.S. District Court order does not address the payment of this court's fees. Accordingly, appellant and respondent shall each tender to the clerk of this court, within 11 days from the date of this order, the sum of \$125, representing half of the filing fee. See NRAP 3(e); NRAP 5(e).

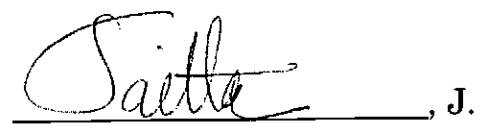
It is so ORDERED.


Parraguirre, C.J.

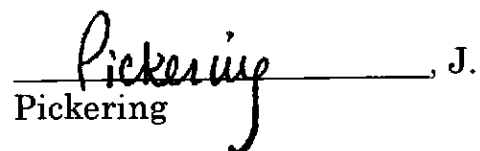

Hardesty, J.


Douglas, J.


Cherry, J.


Saitta, J.


Gibbons, J.


Pickering, J.

cc: Elizabeth A. Hamrick
Brooks Hubley LLP
Haines & Krieger, LLC
Kazerouni Law Group, APC
Clerk, United States District Court for the District of Nevada