

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCO SORO, AN INDIVIDUAL;
MYRA TAIGMAN-FARRELL, AN
INDIVIDUAL; ISAAC FARRELL, AN
INDIVIDUAL; KATHY ARRINGTON,
AN INDIVIDUAL; AND AUDIE
EMBESTRO, AN INDIVIDUAL,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JERRY A. WIESE, DISTRICT JUDGE,

Respondents,

and

AMERICA FIRST FEDERAL CREDIT
UNION, A FEDERALLY CHARTERED
CREDIT UNION,

Real Party in Interest.

No. 72086

FILED

FEB 01 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTION

Petitioners timely submitted a petition for rehearing for filing on January 16, 2018. NRAP 40(a)(1), (f). But the petition was not accompanied by the filing fee required by NRAP 40(b)(5). Upon inquiry by the clerk of this court, petitioners represented that they would be mailing a check for the filing fee on January 16, 2018. On January 22, 2018, the clerk issued the notice in lieu of remittitur. The filing fee was received and the petition for rehearing docketed on January 25, 2018. Petitioners have now filed a motion to recall the remittitur, relying on the above sequence of events.

Under the circumstances presented, it appears that the clerk inadvertently issued the notice in lieu of remittitur. Accordingly, we grant the motion. *See Fulbrook v. Allstate Ins. Co.*, 131 Nev., Adv. Op. 33, 350 P.3d 88, 89-90 (2015). The clerk shall recall the notice in lieu of remittitur issued on January 22, 2018. This case shall be transferred back to the court of appeals, and the petition for rehearing received on this court's docket on January 25, 2018, shall be filed in the court of appeals. The clerk shall file this order in this court and in the court of appeals.

It is so ORDERED.

 _____, C.J.

cc: Hon. Jerry A. Wiese, District Judge
CV3 Legal
Reid Rubinstein Bogatz
Ballard Spahr LLP
Ballard Spahr LLP/Salt Lake City
Ballard Spahr LLP/Washington DC
Eighth District Court Clerk