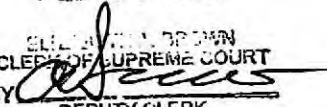


IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY J. WILLARD, INDIVIDUALLY
AND AS TRUSTEE OF THE LARRY
JAMES WILLARD TRUST FUND; AND
OVERLAND DEVELOPMENT
CORPORATION, A CALIFORNIA
CORPORATION,
Appellants,
vs.
BERRY-HINCKLEY INDUSTRIES, A
NEVADA CORPORATION; AND JERRY
HERBST, AN INDIVIDUAL,
Respondents.

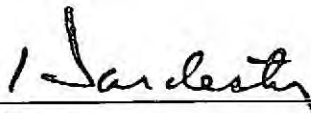
No. 77780

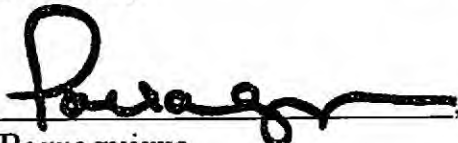
FEB 23 2021
SHEILA L. DROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING EN BANC RECONSIDERATION

On August 6, 2020, this court issued an opinion that reversed the district court's order denying an NRCP 60(b)(1) motion and remanded the matter for further proceedings. Respondents have petitioned for en banc reconsideration of that opinion and seek clarification on whether any new arguments or evidence can be presented on remand. Having considered the petition, we have concluded that en banc reconsideration is not warranted. NRAP 40A. However, we clarify that neither party may present any new arguments or evidence on remand; the district court's consideration of the factors set forth in *Yochum v. Davis*, 98 Nev. 484, 486, 653 P.2d 1215, 1216 (1982), is limited to the record currently before the court.

It is so ORDERED.

, C.J.
Hardesty

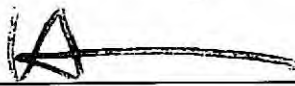
, J.
Parraguirre

, J.
Stiglich

, J.
Cadish

, J.
Silver

, J.
Pickering

, J.
Herndon

cc: Hon. Lynne K. Simons, District Judge
Robertson, Johnson, Miller & Williamson
Lemons, Grundy & Eisenberg
Dickinson Wright PLLC
Washoe District Court Clerk