

SUPREME COURT OF NEVADA

Federal Deposit Insurance Corporation v. Rhodes

2014 NV 88 (Nev. 2014) · No. 59309 · Decided October 30, 2014

OPINION

PER CURIAM.

59309: Case View The Supreme Court of Nevada Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search Disclaimer: The information and documents available here should not be relied upon as an official record of action. Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing. For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600.

Case Information: 59309 Short Caption: FEDERAL DEPOSIT INS. CORP. VS. RHODES Classification: Civil Appeal - General - Other Lower Court Case(s): Clark Co. - Eighth Judicial District - A634437 Case Status: Disposition Filed Disqualifications: Panel Assigned: En Banc Replacement: To SP/Judge: 10/06/2011 / Roitman, Howard SP Status: Completed Oral Argument: 10/09/2013 at 1:30 PM Oral Argument Location: Regional Justice Center Submission Date: 10/09/2013 How Submitted: After Oral Argument + Party Information Role Party Name Represented By Appellant Community Bank of Nevada Suzanne R. Fitts (Smith Larsen & Wixom) Katie M. Weber (Smith Larsen & Wixom) Michael B. Wixom (Smith Larsen & Wixom) Appellant Federal Deposit Insurance Corporation Suzanne R. Fitts (Smith Larsen & Wixom) Katie M. Weber (Smith Larsen & Wixom) Michael B. Wixom (Smith Larsen & Wixom) Respondent James M. Rhodes Nicholas J. Santoro (Santoro Whitmire) + Due Items Due Date Status Due Item Due From 11/24/2014 Open Remittitur 14-36052: This document is currently unavailable.

If you need a copy of this document, please contact Clerk's Office at (775) 684-1600. Docket Entries Date Type Description Pending? Document 09/30/2011 Filing Fee Filing fee due for Appeal. Filing fee will be forwarded by the District Court. 09/30/2011 Notice of Appeal Documents Filed Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.) 11-29889 09/30/2011 Notice/Outgoing Issued Notice of Referral to Settlement Program.

This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. 11-29891 10/03/2011 Filing Fee Filing Fee Paid. \$250.00 from Smith Larsen & Wixom - check no. 020014. 10/06/2011 Settlement Notice Issued Notice: Assignment to

Settlement Program - Settlement Judge: Howard Roitman.11-30506 10/20/2011Docketing StatementFiled Docketing Statement Civil Appeals.11-32504 11/07/2011Settlement Program ReportFiled ECAR/Appropriate for Settlement Program.

This case is appropriate for mediation and a settlement conference is scheduled for March 14, 2012.11-34291 03/06/2012Notice/IncomingFiled Substitution of Counsel (Nicholas J. Santoro of Santoro Whitmire substituted as attorney of record for respondent James M. Rhodes in the place and stead of Santoro, Driggs, Walch, Kearney, Holley & Thompson).12-07222 04/03/2012Settlement Program ReportFiled Interim Settlement Program Report.

The settlement conference is continued to the following date: July 9, 2012.12-10462 06/15/2012Settlement Program ReportFiled Interim Settlement Program Report. The settlement conference is continued to the following date: August 7, 2012.12-18793 08/07/2012Settlement Program ReportFiled Final Report/No Settlement.

The parties were unable to agree to a settlement of this matter.12-24897 08/10/2012Settlement Order/ProceduralFiled Order: No Settlement/Briefing Reinstated. The parties were unable to agree to a settlement. Appellant(s): 15 days transcript request; 90 days opening brief and appendix.12-25258 08/28/2012Transcript RequestFiled Request for Transcript of Proceedings.

Transcripts requested: August 9, 2012. To Court Reporter: Victoria Boyd.12-27118 11/02/2012BriefFiled Appellant's Opening Brief.12-34754 11/02/2012AppendixFiled Appendix to Opening Brief.12-34755 11/27/2012MotionFiled Stipulation Regarding Extension of Time to File Answering Brief.12-37298 11/27/2012Notice/OutgoingIssued Notice Stipulation Approved. Answering Brief due: January 02, 2012.12-37313 01/03/2013BriefFiled Respondent's Answering Brief.13-00138 01/03/2013AppendixFiled Respondent's Appendix.13-00139 01/07/2013Notice/IncomingFiled Notice of Change of Address of Nicholas J. Santoro, Esq. attorney for James M. Rhodes.13-00457 01/15/2013MotionFiled Stipulation Extending Time to File Reply Brief.

Due March 6, 2013.13-01632 01/15/2013Notice/OutgoingIssued Notice Stipulation Approved. Reply Brief Due March 6, 2013.13-01634 02/28/2013MotionFiled Stipulation Extending Time to File Reply Brief.13-06360 03/11/2013BriefReceived Reply Brief. (FILED PER ORDER 3/15/13) 03/15/2013Order/ProceduralFiled Order Granting Motion for Extension of Time.

The clerk of this court shall file the reply brief, provisionally received in this court on March 11, 2013.13-07936 03/15/2013BriefFiled Appellant's Reply Brief.13-07937 03/15/2013Case Status UpdateBriefing Completed/To Screening. 07/24/2013Order/ProceduralFiled Order Directing Clerk to Schedule Oral Argument.

The clerk of this court is directed to schedule this matter for oral argument before the en banc court on the next available calendar.13-21697 08/26/2013Notice/OutgoingIssued Notice

Scheduling Oral Argument. Oral argument is scheduled Wednesday, October 9, 2013, at 1:30 p.m. in Las Vegas. Argument shall be limited to 30 minutes.13-25087 09/11/2013BriefFiled Appellant's Notice of Supplemental Authority Pursuant to NRAP 31(e).13-26819 09/13/2013BriefFiled Respondent's Response to Appellant's Notice of Supplemental Authority Pursuant to NRAP 31(e) and Cross Notice of Supplemental Authority Pursuant to NRAP 31(e).13-27195 09/19/2013BriefFiled Appellant's Response to Respondent's Cross-Notice of Supplemental Authority Pursuant to NRAP 31(e).13-28001 09/23/2013Order/ProceduralFiled Order.

This case is currently scheduled for oral argument on October 9, 2013, at 1:30 p.m. Counsel should be prepared to address specific issues.13-28320 09/24/2013Notice/OutgoingIssued Oral Argument Reminder Notice13-28453 09/26/2013BriefFiled Appellant's Second Notice of Supplemental Authority Pursuant to NRAP 31(e).13-28859 09/27/2013BriefFiled Respondent's Response to Appellant's Second Notice of Supplemental Authority Pursuant to NRAP 31(e).13-29037 10/09/2013Case Status UpdateOral argument held this day.

Case submitted for decision. Before the En Banc Court. 09/19/2014BriefFiled Respondent's Second Notice of Supplemental Authority Pursuant to NRAP 31(e).14-31240 09/29/2014BriefFiled Appellant's Response to Respondent's Second Notice of Supplemental Authority Pursuant to NRAP 31(e) and Cross-Notice of Supplemental Authority Pursuant to NRAP 31(e).14-32300 10/27/2014BriefFiled Respondent's Response to Appellant's Cross-Notice of Supplemental Authority Pursuant to NRAP 31(e).14-35634 10/30/2014Opinion/DispositionalFiled Authored Opinion.

"Affirmed in part, reversed in part, and remanded." Before the Court En Banc. Author: Saitta, J. Majority: Saitta/Pickering/Hardesty/Douglas. Gibbons, C.J., with whom Parraguirre and Cherry, JJ., agree, dissenting. 130 Nev. Adv. Opn. No. 88. EN BANC14-36052