

1 **GARCIA, Judge.**

2 {1} Plaintiffs appeal from the district court's order denying reconsideration of its
3 order granting summary judgment in favor of Defendants and dismissing Plaintiffs'
4 complaint with prejudice. We issued a notice of proposed summary disposition,
5 proposing to reverse in part and affirm in part. We proposed to summarily reverse
6 summary judgment as to (1) the negligence claim brought by Plaintiff minor child
7 (grandchild of the tenants), who was separately named, and (2) the claim brought by
8 the Greens Plaintiffs, the tenants, for the return of their security deposit. We proposed
9 to summarily affirm summary judgment as to all the other claims the Greens Plaintiffs
10 raised relative to their occupancy and lease, on the basis that the rescission was an
11 effective waiver of those claims. No memorandum opposing summary reversal or
12 summary affirmance has been filed, and the time for doing so has expired.

13 {2} For the reasons set forth in the notice, summary judgment is reversed in part
14 and affirmed in part. We remand for further proceedings relative to the claim brought
15 by Plaintiff minor child and the claim brought by the Greens Plaintiffs for return of
16 their security deposit.

17 {3} **IT IS SO ORDERED.**

18
19

TIMOTHY L. GARCIA, Judge

1 **WE CONCUR:**

2 _____
3 **MICHAEL E. VIGIL, Chief Judge**

4 _____
5 **RODERICK T. KENNEDY, Judge**