

IN THE SUPREME COURT OF THE STATE OF NEVADA

STONEWEAR, INC., A NEVADA  
CORPORATION,

Appellant,

vs.

LOCKHEED PARTNERS, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; SIERRA  
LEASING, INC., A NEVADA CORPORATION;  
GARY COOK, INDIVIDUALLY; AND  
GCBROKERS, A REVOKED CORPORATION,  
Respondents.

No. 44146

FILED

JAN 06 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellant's motion to set aside an entry of default and remove counsel. First Judicial District Court, Carson City; Carl J. Christensen, Judge.

Appellant has filed a motion to withdraw its appeal, which we construe as a motion for voluntary dismissal under NRAP 42(b). We grant appellant's motion and dismiss this appeal. Each party shall bear its own costs and attorney fees, if any.<sup>1</sup>

It is so ORDERED.

*Maupin*, J.  
Maupin

*Douglas*, J.  
Douglas

*Parraguirre*, J.  
Parraguirre

<sup>1</sup>We conclude that an award of costs and attorneys fees against appellant is not warranted, and therefore we deny respondents Lockheed Partners and Sierra Leasings' November 10, 2004 motion for costs and attorney fees. Additionally, we deny as moot all other pending motions in this appeal. Finally, we vacate our December 21, 2004 order directing appellant to file a docketing statement.

cc: Hon. Carl J. Christensen, Senior Judge  
Patrick O. King, Settlement Judge  
Craig K. Perry  
Allison, MacKenzie, Russell, Pavlakis, Wright & Fagan, Ltd.  
Carson City Clerk