

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT MORETTI,

Appellant,

vs.

WERNER COMPANY; LOWES HIW,  
INC.; AND FRANK W. WINNE & SONS,  
INC.,

Respondents.

No. 51670

**FILED**

OCT 17 2008

TRACIE H. LINDEMAN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

ORDER DISMISSING APPEAL

Cause appearing, we approve the parties' stipulation to dismiss this appeal pursuant to their settlement agreement. The parties shall bear their own costs on appeal. NRAP 42(b). We direct the clerk, however, to strike the "Confidential Settlement," attached to the parties' stipulation. We remind the parties that, generally, settlement agreements should not be filed with this court. See NRAP 16(e)(4) (if a settlement reached, the parties shall execute a settlement agreement and a stipulation to dismiss the appeal, and shall file the stipulation to dismiss).

It is so ORDERED.

[Signature], J.  
Cherry

[Signature], J.  
Maupin

[Signature], J.  
Saitta

cc: Hon. Michael P. Gibbons, District Judge  
Lester H. Berkson, Settlement Judge  
William B. Cole Jr.  
Lemons Grundy & Eisenberg  
Toschi, Sidran, Collins, and Doyle  
Douglas County Clerk