

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEHOE TILE & STONE, INC., A
NEVADA CORPORATION F/K/A
CREATIVE TILE WORKS, INC., A
TRADE NAME; AND BASIL KEHOE
AND THERESE KEHOE, HUSBAND
AND WIFE AND AS PERSONAL
GUARANTORS,

Appellants,

vs.

DAL-TILE CORPORATION,

Respondent.

No. 52174

FILED

MAR 19 2009

TRACIE K. INDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL AND
REMANDING TO THE DISTRICT COURT

Pursuant to the settlement conference, the stipulation of the parties and cause appearing, we dismiss this appeal. The parties shall bear their own costs and attorney fees. NRAP 42(b). This matter is remanded to the district court to conduct appropriate proceedings, if any, to alter, amend, or vacate its order or judgment as necessary for the parties to fulfill the terms of their settlement agreement. In the event the district court declines to grant the requested relief, appellant's may file a motion to reinstate this appeal.

It is so ORDERED.

[Signature] J.
Cherry

[Signature] J.
Saitta

[Signature] J.
Gibbons

cc: Hon. Patrick Flanagan, District Judge
Wm. Patterson Cashill, Settlement Judge
Surratt Law Practice, PC
Muije & Varricchio
Washoe District Court Clerk