

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS HUFF, ATTORNEY IN FACT
FOR JANADA J. MONTGOMERY,
DAUGHTER OF DOROTHY M. SIMPSON;
AND DENNIS HUFF, ATTORNEY IN FACT
FOR JERRY PATTERSON, SON OF
DOROTHY M. SIMPSON,

Appellants,

vs.

C. BRIAN SONDEREGGER, M.D.;
CHARLES T. ROSS, M.D.; DAVID J.
STRULL, M.D.; CARSON-TAHOE
HOSPITAL, A NEVADA CORPORATION;
HORIZON/CMS HEALTHCARE
CORPORATION, A DELAWARE
CORPORATION, D/B/A CARSON
CONVALESCENT CENTER; AND MARY ANN
REED,

Respondents.

No. 35660

FILED

SEP 08 2000

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

ORDER DISMISSING APPEAL

On May 16, 2000, respondents Horizon/CMS Healthcare Corporation and Mary Ann Reed filed a motion for a determination that the settlement reached between them and appellants be deemed to be a good faith settlement pursuant to NRS 17.225-305. We deny the May 16, 2000 motion without prejudice to the parties' right to seek such relief in the district court. See Velsicol Chemical v. Davidson, 107 Nev. 356, 811 P.2d 561 (1991) (stating that the determination of a good faith settlement should be left to the discretion of the trial court).

Pursuant to the settlement conference held in this matter, the stipulations of the parties filed on May 16, 2000 and July 24, 2000 and cause appearing, this appeal is

dismissed. The parties shall bear their own costs and attorneys' fees. NRAP 42(b).¹

It is so ORDERED.

Young, J.
Dee, J.
Leavitt, J.

cc: Hon. William A. Maddox, District Judge
William Patterson Cashill, Settlement Judge
Dempsey Roberts & Smith
Erickson, Thorpe & Swainston, Ltd.
Lemons, Grundy & Eisenberg
Schuering Zimmerman & Scully
Carson City Clerk

¹ We grant appellants' April 19, 2000 motion for an extension of time to file an opposition to respondents' motion to dismiss. The clerk of this court shall file appellants' opposition received on April 17, 2000, respondents' motion to strike appellants' opposition received on April 18, 2000 and respondent Horizon/CMS Healthcare Corporation's joinder in the motion to strike appellants' opposition received on April 21, 2000. Finally, we deny as moot respondents' February 23, 2000 motion to dismiss this appeal for lack of jurisdiction, respondents' April 18, 2000 motion to strike appellants' opposition to the motion to dismiss and appellants' May 3, 2000 motion for leave to file a reply in support of the motion for an extension of time. The clerk of this court shall return, unfiled, the proposed reply received on May 3, 2000.