

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY CIELAKIE AND
ARROWHEAD SERVICES,
Appellants,
vs.
SCOTT EGBERT,
Respondent.

No. 40520

FILED

APR 29 2004

ORDER DISMISSING APPEAL

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

The parties to this appeal have stipulated to dismiss this appeal and remand this matter to the district court to vacate its order granting summary judgment.¹ Attached to the stipulation is an order of the district court certifying that upon remand it is inclined to grant the parties' requested relief and vacate its order granting summary judgment. See Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978).

Cause appearing, we approve the parties' stipulation. Accordingly, we remand this matter to the district court pursuant to its certification, and we dismiss this appeal. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.²

Becker
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

¹ Brandee R. Mooneyhan of the Nevada Attorney General's Office signed the stipulation on behalf of "NDOT/NHP." However, "NDOT/NHP" is not a party to this appeal.

² In light of this order, David W. Fasset and Adam S. Kutner's motion to withdraw is denied as moot, and the portion of the March 9, 2004, order that directed them to file proof of service of their motion to withdraw with this court is vacated.

cc: Hon. Steve L. Dobrescu, District Judge
Carolyn Worrell, Settlement Judge
David W. Fassett & Associates
Adam S. Kutner
Rands, South, Gardner & Hetey
Erickson Thorpe & Swainston, Ltd.
Elko County Clerk