

IN THE SUPREME COURT OF THE STATE OF NEVADA

CAPITOL INDEMNITY
CORPORATION,

No. 42941

Appellant,

FILED

vs.

OCT 14 2004

MICHAEL CLARK,

Respondent.

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF 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. 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. We note that if the district court declines to grant the requested relief, appellant may file a motion to reinstate this appeal.

It is so ORDERED.

[Signature] J.
Rose

[Signature] J.
Maupin

[Signature] J.
Douglas

cc: Hon. Valerie Adair, District Judge
Eugene Osko, Settlement Judge
Pyatt Silvestri & Hanlon
Jones Vargas/Las Vegas
Clark County Clerk