

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDY KAY, INDIVIDUALLY AND  
D/B/A LEGACY CONSTRUCTION  
ENTERPRISES,

Appellant,

vs.

JAYNES CORPORATION, A NEW  
MEXICO CORPORATION,

Respondent.

No. 42959

**FILED**

JUL 06 2004

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

Pursuant to 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).

It is so ORDERED.<sup>1</sup>

*Rose* \_\_\_\_\_, J.  
Rose

*Maupin* \_\_\_\_\_, J.  
Maupin

*Douglas* \_\_\_\_\_, J.  
Douglas

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<sup>1</sup>Cause appearing, we grant appellant's motion for an extension of time to file the docketing statement. Further, no good cause appearing, we deny respondent's request to strike the docketing statement and counter-motion for sanctions. The clerk of this court shall file the docketing statements received on April 19, 2004, and April 20, 2004.

cc: Hon. Michael A. Cherry, District Judge  
Eugene Osko, Settlement Judge  
Peel, Brimley & Spangler  
Harrison Kemp & Jones, LLP  
Clark County Clerk