

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE ZUVER FAMILY TRUST, ELLA C.
ZUVER AND RICHARD M. ZUVER,
TRUSTEES; ELLA C. ZUVER; AND
RICHARD M. ZUVER,

Appellants,

vs.

JOHN H. SMITH; ERIKA L. SMITH;
AND TRUCKEE CARSON IRRIGATION
DISTRICT,

Respondents.

No. 42960

FILED

APR 21 2005

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

ORDER DISMISSING APPEAL AS ABANDONED

This is an appeal from the district court's "Order Granting Summary Judgment," entered on February 12, 2004. Third Judicial District Court, Churchill County; David A. Huff, Judge.

On October 22, 2004, the settlement judge filed a report indicating that the parties agreed to a settlement of this appeal. Accordingly, on February 23, 2005, we directed appellants to file a stipulation or motion to dismiss this appeal or otherwise inform this court of the status of this appeal within 30 days. To date, appellants have not responded to our order or otherwise communicated with this court. Accordingly, cause appearing, we dismiss this appeal as abandoned.

It is so ORDERED.


Maupin, J.
Maupin


Douglas, J.
Douglas

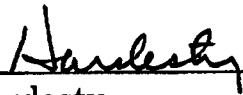
Parraguirre, J.
Parraguirre

We conclude that given the unique facts presented in this case, publication of our Order of Reversal and Remand is unwarranted. Accordingly, Carol Jory's petition for rehearing is denied. The joint petition for publication is similarly denied.

It is so ORDERED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Eighth Judicial District Court Dept. 1, District Judge
Michael H. Schwarz
Marquis & Aurbach
Clark County Clerk