

IN THE SUPREME COURT OF THE STATE OF NEVADA

VACATION VILLAGE, INC., A  
NEVADA CORPORATION; SHANGRI  
LA, LTD., A NEVADA GENERAL  
PARTNERSHIP; TERRIE HEERS  
THOMPSON, INDIVIDUALLY AND AS  
GENERAL PARTNER OF SHANGRI  
LA, LTD.; TIM S. HEERS,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.;  
CATHLEEN HEERS NORCOTT,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.;  
GARY R. HEERS, INDIVIDUALLY AND  
AS GENERAL PARTNER OF SHANGRI  
LA, LTD.; AND CHERYL D. NOLTE,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.,

Appellants/Cross-  
Respondents,

vs.

FOOTHILL CAPITAL CORPORATION,  
A CALIFORNIA CORPORATION,

Respondent/Cross-  
Appellant.

VACATION VILLAGE, INC., A  
NEVADA CORPORATION; SHANGRI  
LA, LTD., A NEVADA GENERAL  
PARTNERSHIP; TERRIE HEERS  
THOMPSON, INDIVIDUALLY AND AS  
GENERAL PARTNER OF SHANGRI  
LA, LTD.; TIM S. HEERS,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.;  
CATHLEEN HEERS NORCOTT,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.;  
GARY R. HEERS, INDIVIDUALLY AND  
AS GENERAL PARTNER OF SHANDRI

No. 43185

**FILED**

MAR 27 2009

TRACIE LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

No. 43740

LA, LTD.; AND CHERYL D. NOLTE,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.,

Appellants,

vs.

FOOTHILL CAPITAL CORPORATION,  
Respondent.

FOOTHILL CAPITAL CORPORATION,  
A CALIFORNIA CORPORATION,

Appellant,

vs.

VACATION VILLAGE, INC., A  
NEVADA CORPORATION; SHANGRI  
LA, LTD., A NEVADA GENERAL  
PARTNERSHIP; TERRIE HEERS  
THOMPSON, INDIVIDUALLY AND AS  
GENERAL PARTNER OF SHANGRI  
LA, LTD.; TIM S. HEERS,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.;  
CATHLEEN HEERS NORCOTT,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.;  
GARY R. HEERS, INDIVIDUALLY AND  
AS GENERAL PARTNER OF SHANGRI  
LA, LTD.; AND CHERYL D. NOLTE,  
INDIVIDUALLY AND AS GENERAL  
PARTNER OF SHANGRI LA, LTD.,

Respondents.

No. 47511

ORDER VACATING PRIOR ORDER AND DISMISSING APPEALS

In response to our order entered March 3, 2009, the parties have filed a "Joint Motion to Vacate 'Order Affirming in Part, Reversing in Part, and Remanding with Instructions,' Entered on November 19, 2007, and for Dismissal of Appeals With Prejudice." Cause appearing, the parties' joint motion is granted. NRAP 42(b). We hereby vacate our

November 19, 2007, order, and dismiss these consolidated appeals. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.

Parraguirre, J.  
Parraguirre

Hardesty, J.  
Hardesty

Saitta, J.  
Saitta

cc: Eighth Judicial District Court Dept. 8, District Judge  
Hon. Kathy A. Hardcastle, District Judge  
Lansford W. Levitt, Settlement Judge  
Buchalter Nemer  
Gordon & Silver, Ltd.  
John Peter Lee Ltd.  
Eighth District Court Clerk