

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID MERCURY ADVERTISING,  
Appellant,  
vs.  
JAMES SPATAFORE AND LAS VEGAS  
HANDICAPPER JIMMY SPATS,  
Respondents.

No. 43448

FILED

DEC 30 2004

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

ORDER DISMISSING APPEAL AS ABANDONED

This is an appeal from an April 23, 2004, district court order entering judgment in favor of respondents and awarding attorney fees and costs. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

On August 13, 2004, the settlement judge filed a report indicating that the parties agreed to a settlement of this appeal. Accordingly, on August 24, 2004, we directed appellant 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, appellant has not responded to our order or otherwise communicated with this court. Accordingly, cause appearing, we dismiss this appeal as abandoned.

It is so ORDERED.

*Becker*  
\_\_\_\_\_, J.  
Becker

*Agosti*  
\_\_\_\_\_, J.  
Agosti

*Ribbons*  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Kathy A. Hardcastle, District Judge  
Lester H. Berkson, Settlement Judge  
Mills & Associates  
Kenneth G. Frizzell III  
Clark County Clerk