

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHERYL HEIM,

Appellant,

vs.

EMPLOYERS INSURANCE COMPANY
OF NEVADA, A MUTUAL COMPANY,
Respondent.

No. 43492

FILED

MAR 07 2005

ORDER OF REMAND

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

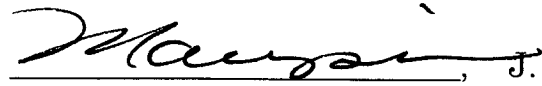
After the settlement judge filed a report indicating that the parties had agreed to a settlement of this matter, this court entered an order directing appellant to file a stipulation or motion to dismiss this appeal. In response, the parties filed a document entitled "Stipulated Agreement and Order." That document includes the parties' settlement agreement and an "Order" signed by the settlement judge that purports to dismiss this appeal with prejudice.

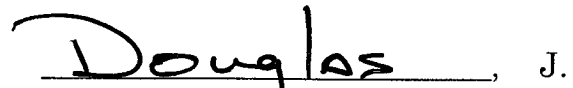
We remind the parties that settlement judges do not have authority to dismiss appeals or to enter any orders on matters before this court. Additionally, we remind the parties that, generally, the settlement agreement should not be filed with this court. Rather, when a settlement is reached the parties should file only a stipulation or motion to dismiss the appeal. See NRAP 16(e).

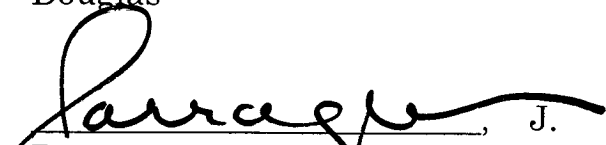
In an affidavit attached to the settlement agreement appellant states that "as a result of entering into this stipulation the decision of the District Court in case number A466280 and the appeals Officer's Order in LAE2003-C-0295-GS will be modified to be consistent with the terms of the attached stipulation and the appeal in this matter, Supreme Court Case No. 43292, will be dismissed with prejudice." Because the affidavit is

included as part of the "Stipulated Agreement and Order," which is signed by both parties, we elect to treat that document as a stipulation to remand this matter, and cause appearing, we approve that stipulation and remand this matter to the district court for proceedings in accordance with the parties' settlement agreement.

It is so ORDERED.¹


Maupin


Douglas


Parraguirre

cc: Hon. David Wall, District Judge
Larry J. Cohen, Settlement Judge
Nevada Attorney for Injured Workers/Las Vegas
Beckett & Yott, Ltd./Las Vegas
Clark County Clerk

¹ In light of this order we deny as moot respondent's motion to dismiss this appeal.