IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA SCHWAGER, D/B/A THE ENERGY GROUP,

Appellant,

VS.

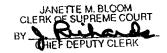
BELLAGIO, A WHOLLY OWNED SUBSIDIARY OF MIRAGE RESORTS INC.,

Respondent.

No. 43867

THED

FEB 2 2 2005



ORDER DISMISSING APPEAL

Pursuant to the settlement conference, the stipulation of the parties and cause appearing, this appeal is dismissed. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.

CLERK OF THE SUPREME COURT JANETTE M. BLOOM

BY: Thomas I. Hans

cc: Hon. David Wall, District Judge
William F. Buchanan, Settlement Judge
Hutchison & Steffen, Ltd.
Wanderer & Wanderer
Clark County Clerk

SUPREME COURT OF NEVADA

CLERK'S ORDER

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