

IN THE SUPREME COURT OF THE STATE OF NEVADA

SECURED INVESTMENT RESOURCES
FUND, LP II, A DELAWARE
CORPORATION,

Appellant,

vs.

DOUGLAS COLUMB, AN INDIVIDUAL;
AND SIMONE COLUMB, AN
INDIVIDUAL,

Respondents.

No. 44889

FILED

DEC 23 2005

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

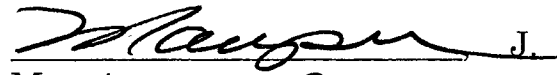
ORDER DISMISSING APPEAL

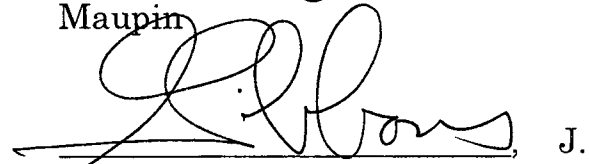
Respondents have filed a motion to dismiss this appeal for lack of jurisdiction. Appellant has not opposed the motion. Rather, the parties have filed a stipulation to dismiss. The parties agree that the orders being challenged on appeal are not final appealable orders and that the appeal should be dismissed.

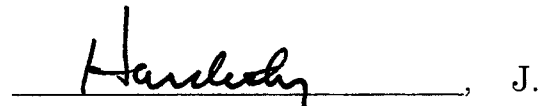
The parties request that the dismissal be "without prejudice" so that "either party shall have the right to file a new appeal in this matter, once the District Court has certified the Default Judgment and/or Order, or made them final appealable decisions." We note that generally this court will not dismiss an appeal "without prejudice," and that once an appeal is dismissed it may not be reinstated. This does not mean, however, that the parties are prohibited from filing a notice of appeal from any appealable order entered in the underlying action. Accordingly, we

approve the parties' stipulation and dismiss this appeal.¹ Fees and costs shall be paid as provided in the parties' stipulation. See NRAP 42(b).

It is so ORDERED.

 J.
Maupin

 J.
Gibbons

 J.
Hardesty

cc: Hon. David Wall, District Judge
Jerry J. Kaufman, Settlement Judge
Albright Stoddard Warnick & Palmer
Law Offices of James J. Lee
Mont E. Tanner
Clark County Clerk

¹We deny respondents' motion to dismiss appeal for lack of jurisdiction as moot.