

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT DEL CARLO,
Appellant/Cross-
Respondent,
vs.
DAVID BURGESS,
Respondent/Cross-
Appellant.

No. 44906

FILED

SEP 06 2005

JANETIE W. BLOOM
CLERK OF SUPREME COURT
BY *Richard*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

On July 18, 2005, this court entered an order directing appellant/cross-respondent ("appellant") and respondent/cross-appellant ("respondent") to show cause why this appeal and cross-appeal should not be dismissed for lack of jurisdiction as it appeared that both the notice of appeal and notice of cross-appeal were untimely. Appellant and respondent have each filed a response to that order in which they indicate that the procedural facts outlined in our previous order are accurate and that the notices of appeal and cross-appeal were untimely. Accordingly, we dismiss this appeal and cross-appeal.

It is so ORDERED.

Maupin
Maupin

Douglas
Douglas

Parraguirre
Parraguirre

cc: Hon. David R. Gamble, District Judge
Robert Eisenberg, Settlement Judge
Douglas K. Fermoile
Lawrence D. Wishart
Storey County Clerk