

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY L. GARCIA,  
Appellant,  
vs.  
KMART CORPORATION, A MICHIGAN  
CORPORATION, D/B/A KMART  
DISTRIBUTION CENTER,  
Respondent.

No. 45570

**FILED**

SEP 15 2005

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

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 H. Hewitt*

cc: Hon. Peter I. Breen, District Judge  
Lester H. Berkson, Settlement Judge  
Lemons Grundy & Eisenberg  
Fisher & Phillips LLP  
Washoe District Court Clerk