

IN THE SUPREME COURT OF THE STATE OF NEVADA

HAYDON BUILDING CORP., A
NEVADA CORPORATION,
Appellant,
vs.
Z-CON, INC., A NEVADA
CORPORATION,
Respondent.

No. 46563

FILED

MAY 18 2007

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

ORDER OF AFFIRMANCE

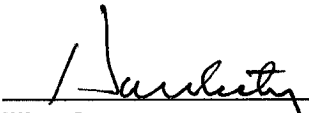
This is an appeal from a district court order dismissing the underlying case without prejudice under NRCP 41(e). Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.


The sole issue before this court on appeal is whether it was an abuse of discretion for the district court to dismiss the underlying case, under NRCP 41(e), without prejudice instead of with prejudice.¹ Having considered the arguments made by both parties, we conclude that the

¹See NRCP 41(e) (providing that “[a] dismissal under this subdivision (e) is a bar to another action upon the same claim for relief against the same defendants unless the court otherwise provides”); Home Sav. Ass’n v. Aetna Cas. & Surety, 109 Nev 558, 854 P.2d 851 (1993).

district court did not abuse its discretion in dismissing the underlying case without prejudice,² and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Kenneth C. Cory, District Judge
Stephen E. Haberfeld, Settlement Judge
McDonald Carano Wilson LLP/Las Vegas
Wright & Weiner
Eighth District Court Clerk

²Home Sav., 109 Nev. 558, 854 P.2d 851.