IN THE SUPREME COURT OF THE STATE OF NEVADA

ASPHALT PRODUCTS CORP., A NEVADA CORPORATION, D/B/A APCO CONSTRUCTION,

Appellant,

VS.

THE CITY OF LAS VEGAS, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA.

Respondent.

No. 46599

FILED

OCT 2 3 2007

JANETHE M. BLOCM LERK OF SURREME COURT

ORDER DISMISSING APPEAL

Pursuant to 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

OMNETTE IVI. DECOM

Hon. Jessie Elizabeth Walsh, District Judge

Fennemore Craig, P.C./Las Vegas Fennemore Craig, P.C./Phoenix Harrison Kemp & Jones, LLP Las Vegas City Attorney

Eighth District Court Clerk

SUPREME COURT OF NEVADA cc:

CLERK'S ORDER

(O)-1947 **(O)**

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