

IN THE SUPREME COURT OF THE STATE OF NEVADA

ST. PAUL FIRE AND MARINE  
INSURANCE CO.,

Appellant,

vs.


INTERCAPITAL DEVELOPMENT,  
INC.,

Respondent.

No. 46961

**FILED**

**JUL 10 2006**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

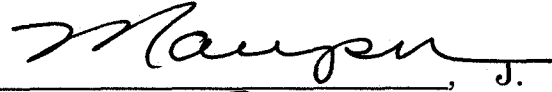
ORDER DISMISSING APPEAL

This is an appeal from the district court's February 10, 2006, "Order Granting Defendant Intercapital Development, Inc.'s Motion to Dismiss." Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

On May 3, 2006, this court entered an order disapproving the parties' stipulation to dismiss this appeal as the parties stipulated that the dismissal would be "without prejudice." Our order noted that generally this court will only dismiss an appeal with prejudice. Once this court has dismissed an appeal, it may not be reinstated. Our order directed appellant to file a stipulation or motion to dismiss this appeal with prejudice, or to otherwise inform this court of the status of the appeal by June 2, 2006. We cautioned appellant that failure to comply with that order would result in this appeal being dismissed as abandoned. As of the

date of this order, appellant has not responded to our May 3, 2006, order. Accordingly, we dismiss this appeal as abandoned.

It is so ORDERED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Valerie Adair, District Judge  
Jerry J. Kaufman, Settlement Judge  
Cozen O'Connor  
Delanoy Schuetze & McGaha, P.C.  
Jones Vargas/Las Vegas  
Clark County Clerk