

IN THE SUPREME COURT OF THE STATE OF NEVADA

GRANITE CONSTRUCTION COMPANY  
AND GRANITE CONSTRUCTION  
INCORPORATED,

Appellants,

vs.

KELLY MURPHY AND TANYA  
ELDREDGE, AS ADMINISTRATORS  
OF THE ESTATE OF DERK  
ELDREDGE,

Respondents.

No. 47171

**FILED**

FEB 07 2007

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

ORDER DISMISSING APPEAL

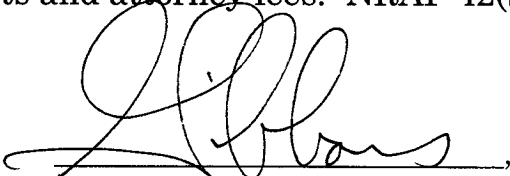
Pursuant to the joint motion of the parties, Kelly Murphy and Tanya Eldredge, administrators of the estate of Derk Eldredge, are hereby substituted in the place of Derk Eldredge as respondents in this appeal. Accordingly, the clerk of this court shall modify the caption in this matter consistent with the caption on this order.

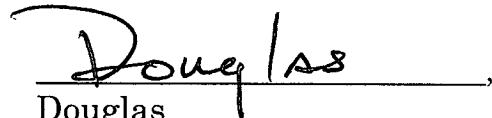
Additionally, we note that the parties to this appeal agreed to have this appeal assigned to this court's settlement conference program and to have retired district court judge Gene Porter act as the settlement judge, rather than having one of this court's settlement judges assigned to the case. On October 6, 2006, acting settlement judge Porter filed a status report indicating that the parties had agreed to a settlement of this matter but that additional time would be needed for the parties to finalize their agreement.

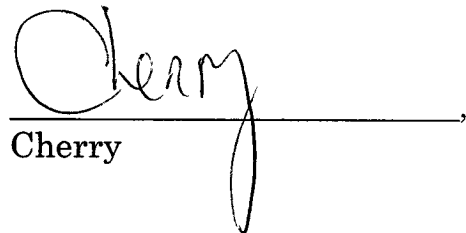
On January 5, 2007, the parties filed a stipulation to dismiss this appeal pursuant to their settlement agreement. Cause appearing, we

approve the stipulation. Accordingly, this appeal is dismissed. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

cc: Chief Judge, Eighth Judicial District  
Honorable Miriam Shearing, Senior Justice  
Gene Porter, Acting Settlement Judge  
Morris Pickering Peterson & Trachok/Las Vegas  
Beckley Singleton, Chtd./Las Vegas  
Christiansen Law Offices  
Simon Law Office  
Eighth District Court Clerk