

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES M. HOGAN, M.D.,
Appellant,
vs.
SUMMERLIN HOSPITAL MEDICAL
CENTER, LLC, A DELAWARE
CORPORATION,
Respondent.

No. 47931

FILED

MAR 02 2007

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

ORDER

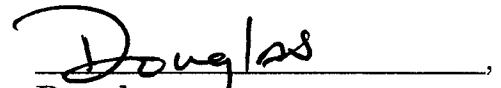
Respondent and counsel for appellant have each filed a "Suggestion of Death Upon the Record," informing this court of the death of appellant James M. Hogan, M.D. Counsel for appellant has also filed a substitution of parties requesting that "The Estate of James M. Hogan, M.D.," be substituted in the place of appellant. Cause appearing, we grant the request. See Walker v. Burkham, 68 Nev. 250, 256, 229 P.2d 158, 161-62 (1951) (judgment of appellate court is a nullity and not binding upon legal representative of deceased unless such representative is substituted as a party). The clerk shall modify the caption in this matter accordingly.

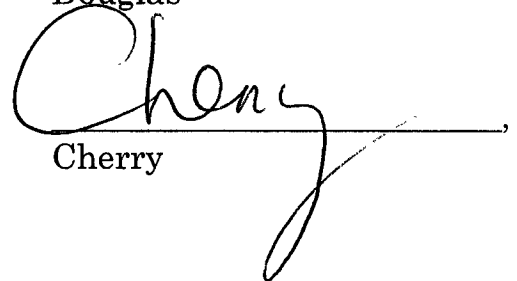
Appellant has filed a motion to voluntarily dismiss this appeal as the parties have agreed to a settlement of this appeal pursuant to the

settlement conference program. Cause appearing, we grant the motion and dismiss this appeal. NRAP 42(b).

It is so ORDERED.¹


Gibbons J.


Douglas J.


Cherry J.

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Howard Roitman, Settlement Judge
Gordon & Rees, LLP
Marquis & Aurbach
Eighth District Court Clerk

¹ In light of the settlement reached by the parties, we deny as moot respondent's motions to dismiss this appeal for lack of jurisdiction, to stay assignment to the settlement program, and to file a reply in support of both of those motions.