

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUDY C. HERRERA, INDIVIDUALLY;
RAYMOND C. HERRERA, INDIVIDUALLY;
ANTUN BARBATO, INDIVIDUALLY; VINCENT
BARBATO, INDIVIDUALLY; FAMILY
DEVELOPMENT GROUP, A CALIFORNIA
CORPORATION; H & K CONSULTING, INC., A
CALIFORNIA CORPORATION; PACWEST
MANAGEMENT GROUP, LLC, A NEVADA
LIMITED LIABILITY COMPANY; AND JAC
CONSULTING GROUP, INC., A DELAWARE
CORPORATION,

Appellants,

vs.

ONECAP MORTGAGE, A NEVADA
CORPORATION; AND ASCENDENT
UNIVERSAL FUND 1, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Respondents.

No. 49465

FILED

MAY 15 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDERING DISMISSING APPEAL

This is an appeal from an amended district court order granting a preliminary injunction and a district court order denying motions to set aside the initial order granting a preliminary injunction under NRCP 60(b)(4) and to dismiss the complaint under NRCP 12(b)(1). Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

Currently before us is the parties' April 21, 2009, stipulation to dismiss this appeal. Having reviewed the parties' stipulation, we approve it, and we hereby dismiss this appeal. The parties shall bear their own costs and fees. NRAP 42(b).

It is so ORDERED.¹

Amulett, C.J.

cc: Hon. Timothy C. Williams, District Judge
Leonard I. Gang, Settlement Judge
Bailey Kennedy
Harold P. Gewerter, Esq., Ltd.
Thomas F. Pitaro
Joseph S. Sciscento
Eighth District Court Clerk

¹In light of this order, we vacate our April 10, 2009, order directing appellants to show cause why this appeal should not be dismissed for lack of jurisdiction as to the district court's order denying the motions to set aside under NRCP 60(b)(4) and to dismiss under NRCP 12(b)(1).