

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN J. DUESING, AN
INDIVIDUAL; DENNIS M. DUESING,
AN INDIVIDUAL; SADDLE WEST
CASINO, INC., A NEVADA
CORPORATION; SADDLE WEST
CASINO, A NEVADA LIMITED
PARTNERSHIP; SADDLE WEST
REALTY, INC., A NEVADA
CORPORATION; AND SADDLE WEST
REALTY, A NEVADA LIMITED
PARTNERSHIP,

Appellants,

vs.

BARRY SHINEHOUSE,
INDIVIDUALLY; AND BARRY
SHINEHOUSE, AS TRUSTEE OF THE
1984 SHINEHOUSE FAMILY TRUST,
Respondent.

No. 49590

FILED

DEC 21 2007
JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL


This is an appeal from the district court's May 1, 2007, "Order Granting Plaintiffs' Motion To Enforce & Close-Out Settlement Agreement." Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

Respondent has filed a motion to dismiss this appeal for lack of jurisdiction. Specifically, respondent argues that the order being challenged on appeal is not a final appealable order. See NRAP 3A(b). This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984). Further, respondent notes that the order "expressly reserves . . . continuing jurisdiction in the

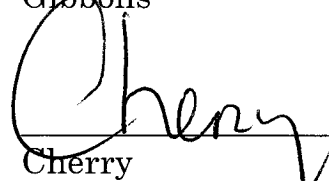
District Court for further proceedings.” Accordingly, respondent requests this court to dismiss this appeal as premature.

In response to the motion, appellants have filed a “Notice of Voluntary Withdraw of Appeal Without Prejudice.” Appellants state that their voluntary withdrawal of this appeal is “based on [their] concurrence with [respondent’s] motion to dismiss premature appeal.” We elect to treat the notice as a motion to voluntarily dismiss this appeal. See NRAP 42(b). Cause appearing, we grant that motion and dismiss this appeal. We note that dismissal of this appeal is without prejudice to the extent that any party may timely file another appeal from any final or otherwise appealable order from the district court regarding this matter.

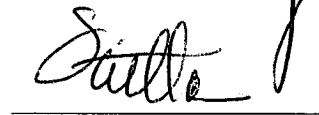
It is so ORDERED.


_____ J.

Gibbons


_____ J.

Cherry


_____ J.

Saitta

cc: Hon. Mark R. Denton, District Judge
Howard Roitman, Settlement Judge
Hutchison & Steffen, Ltd.
Smith Larsen & Wixom
Woods Erickson Whitaker Miles & Maurice, LLP
Leavitt Sully & Rivers
Eighth District Court Clerk