

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY KIM ALLEN,  
Appellant,  
vs.  
JOHN E. KINDT AND JOAN A. KINDT,  
Respondents.

No. 49990

**FILED**

DEC 23 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ramsey*  
DEPUTY CLERK

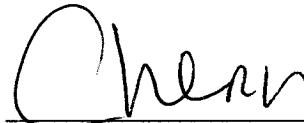
ORDER DISMISSING APPEAL

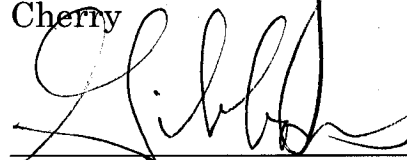
After the settlement judge filed a report indicating that the parties had agreed to a settlement of this appeal, this court entered an order directing appellant to file a stipulation or motion to dismiss this appeal. In that order, we noted that the parties had filed a document entitled "Settlement and Release," which indicated that dismissal of this appeal would be contingent upon certain terms of the agreement being met. Because of that contingency, we noted that no action would action would be take in response to that document. See NRAP 16(e)(4) (After reaching an agreement, the parties should file a stipulation to dismiss appeal with the Supreme Court. The settlement agreement does not need to be filed with the Supreme Court.) We cautioned appellant that failure to comply with that order may result in this appeal being dismissed as abandoned.


As of the date of this order, appellant has failed to comply

with our previous order. Accordingly, we dismiss this appeal as abandoned.

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. David R. Gamble, District Judge  
Janet L. Chubb, Settlement Judge  
Robert A. Grayson  
Brooke Shaw Zumpft  
Douglas County Clerk