

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
DEPARTMENT OF MOTOR VEHICLES  
AND PUBLIC SAFETY,  
Appellant,  
vs.  
ANITA LEWY,  
Respondent.

No. 51970

**FILED**

APR 08 2009  
TRACEY K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a petition for judicial review in an action regarding the revocation of driving privileges. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Senior Judge.

Appellant has filed a motion to withdraw its appeal, which we construe as a motion for voluntary dismissal under NRAP 42(b). Respondent has not opposed the motion, but has filed a motion seeking attorney fees and costs. We grant appellant's motion and dismiss this appeal. NRAP 42(b). With regard to respondent's motion for attorney fees and costs, we conclude that an award of fees and costs is not warranted,

and therefore we deny respondent's motion. Each party shall therefore bear its own costs and attorney fees, if any.<sup>1</sup>

It is so ORDERED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Chief Judge, Eighth Judicial District  
Hon. Joseph T. Bonaventure, Senior Judge  
Carolyn Worrell, Settlement Judge  
Attorney General Catherine Cortez Masto/Transportation  
Division/Las Vegas  
George G. Trachtman  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, we deny as moot all other pending motions in this appeal.