

IN THE SUPREME COURT OF THE STATE OF NEVADA

FIREBIRD HOLDINGS, LLC,
Appellant,
vs.
FRIAS CHARLES MANAGEMENT
TRUST AND FRIAS CHARLES, AS
TRUSTEE OF THE FRIAS CHARLES
MANAGEMENT TRUST,
Respondents.

No. 52346

FILED

MAR 25 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL AND DENYING COSTS AND FEES

This is an appeal from a district court order denying and granting motions for a preliminary injunction. Eighth Judicial District Court, Clark County; David B. Barker, Judge.


On January 30, 2009, appellant filed a motion to voluntarily dismiss this appeal.¹ In response, respondents filed a motion styled "Limited Opposition to Motion to Dismiss Interlocutory Appeal," in which they note that they do not oppose the appeal's dismissal but also request that appellant pay their costs and attorney fees related to this appeal, arguing that the appeal is frivolous. See NRAP 38(a) and (b). Appellant has opposed respondents' request for costs and fees.

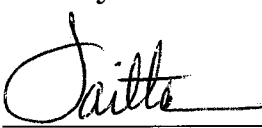
Having considered appellant's motion to voluntarily dismiss this appeal and respondents' response thereto, we grant the motion and hereby dismiss the appeal. And having reviewed respondents' request that appellant pay their costs and fees, we deny that request. Nothing

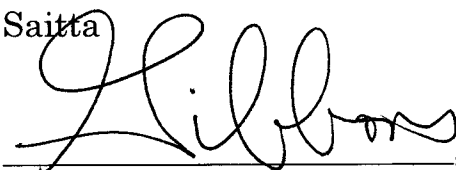
¹As no "Notice of Withdrawal of Interlocutory Appeal" has been filed, we deny respondents' January 29, 2009, motion to strike that document.

before this court demonstrates that the appeal was frivolous to support awarding respondents their costs and fees. Further, respondents failed to specify the costs and fees that they incurred at this early stage in the appeal process. Accordingly, the parties shall pay their own costs and fees, if any. NRAP 42(b).

It is so ORDERED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. David B. Barker, District Judge
Lester H. Berkson, Settlement Judge
Dixon Truman & Fisher
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk