

IN THE SUPREME COURT OF THE STATE OF NEVADA

MADELINE L. DICICCO,
Appellant,
vs.
SEAN DICICCO,
Respondent.

No. 52724

FILED

JAN 08 2009

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order directing appellant to sign an authorization permitting respondent to travel out of the country with the parties' minor child for a vacation from November 19 through December 2, 2008. Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie Jr., Judge. Appellant also appears to challenge the district court's order to the extent that it denied a request to clarify the visitation schedule for the child's winter break from school.

Since our preliminary review of the documents before us revealed a potential jurisdictional defect, in that it appeared that the district court order designated in appellant's notice of appeal was not substantively appealable, see NRAP 3A(b), this court entered an order on November 14, 2008, directing appellant to show cause why the appeal

should not be dismissed for lack of jurisdiction.¹ Appellant has timely responded, and respondent has timely replied, as permitted by our November 14 order.

In response to the show cause order, appellant indicates that her appeal is moot, since the out-of-country vacation has already occurred. Thus, she asks this court to grant her request for a voluntary dismissal of this appeal. Nevertheless, she also asks this court to enter an order remanding to the district court the matter concerning clarifying the winter visitation schedule, which she contends the district court failed to address.

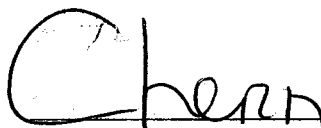
Having considered the parties' arguments in response to the order to show cause, we grant appellant's request to voluntarily dismiss this appeal. NRAP 42(b). The parties are to pay their own costs related to the appeal. As for appellant's request for remand, no remand is necessary for the district court to clarify the visitation schedule. See NRS 125.510(1)(b). Instead, if appellant wishes to clarify or modify the visitation schedule, she may file a proper motion in the district court to do so.

Accordingly, we order this appeal dismissed, and we deny appellant's request for a remand. Appellant nevertheless must pay, within ten days of this order's date, the \$250 Supreme Court filing fee due when the notice of appeal was filed on November 7, 2008. See id.; NRAP


¹This court's November 14 order also denied appellant's request to stay enforcement of the challenged district court order.

3(f); NRS 2.250(1)(a) and (c)(1). Her failure to pay the filing fee could result in the imposition of sanctions.

It is so ORDERED.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. T. Arthur Ritchie Jr., District Judge, Family Court Division
Madeline L. DiCicco
Gregory G. Gordon
Eighth District Court Clerk

²In light of this order, appellant need not file the transcript request form or docketing statement, which were respectively due to be filed in this court by November 17 and November 24, 2008.