

IN THE SUPREME COURT OF THE STATE OF NEVADA

WASIT SETYAWAN, INDIVIDUALLY
AND AS LEGAL GUARDIAN OF
DHARMAWA SAPUTRA, A MINOR;
MARY GARDNER, AS
ADMINISTRATOR OF THE ESTATES
OF MARISA DJAYA AND PUTRI
MARSITANINGRUM; AND MARYO
HUTASOIT, AN INDIVIDUAL,

Appellants,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, A GOVERNMENT
ENTITY; AND OFFICER SHANE
WITHAM,

Respondents.

No. 52756

FILED

SEP 09 2009

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

ORDER DISMISSING APPEAL AND VACATING SANCTION

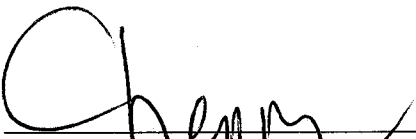
This court previously imposed a conditional sanction against appellants for failing to pay the filing fee. In that order, we noted that the sanction would be automatically vacated if appellants paid the filing fee or filed a copy of a district court order granting a motion to proceed in forma pauperis within 15 days.

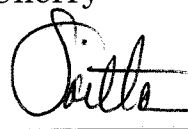
As appellants did not comply with that order, this court entered another order directing appellants to pay the filing fee within 10 days and to pay the \$500 sanction within 15 days. That order deferred ruling on the parties' stipulation to dismiss the appeal as the filing fee had not been paid. See NRAP 42(b) (although parties may agree to dismiss an appeal, an appeal shall not be dismissed unto the parties "pay whatever fees are due.").

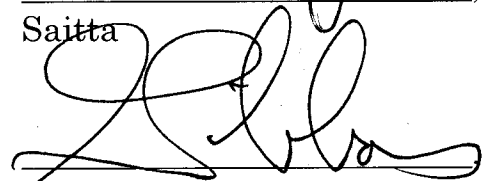
In response, appellants have filed a "Motion for Reconsideration," and a copy of a district court order granting appellants' motion for leave to proceed in forma pauperis. In the motion, counsel explains that his office "inadvertently failed to serve this Court with a copy of the Order for Appellants to proceed in forma pauperis," and that he had thought a copy of the order was timely filed in response to our order conditionally imposing the sanction. Accordingly, counsel requests we vacate that sanction.

Cause appearing, we grant the motion. Accordingly, we vacate the \$500 sanction. Further, pursuant to the stipulation of the parties, we dismiss this appeal. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Paul H. Schofield, Settlement Judge
Agwara & Associates
Olson, Cannon, Gormley & Desruisseaux
Eighth District Court Clerk