

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESTCOR CONSTRUCTION,
Appellant,
vs.
PHILIPS PRODUCTS,
Respondent.

No. 53034

FILED

AUG 07 2009

TRACIE A. LINDEMAN
CLERK OF SUPREME COURT
BY J. Choop
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court summary judgment in a constructional defect action. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

On July 7, 2009, this court entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, the July 7 order noted that the order designated in appellant's notice of appeal did not appear substantively appealable as it did not constitute a final judgment, that the notice of appeal appeared untimely, and that this court's jurisdictional review was impeded by appellant's failure to provide this court with an adequate docketing statement.

Currently before this court is appellant's stipulation with respondent to dismiss this appeal, filed on July 16, 2009. Having reviewed

the parties' stipulation, we approve it, and we hereby dismiss this appeal.
The parties shall pay their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.¹

1. J. L. Scotty, C.J.

cc: Hon. Susan Johnson, District Judge
Richard F. Scotti, Settlement Judge
Hurtik & Manke, LLC
Lewis Brisbois Bisgaard & Smith, LLP
Eighth District Court Clerk

¹In light of this order, the July 7 order to show cause is vacated.