

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF  
LORRAINE MARY UPTON

No. 53500

JOHN WILLIAM UPTON,  
Appellant,

vs.

RUTHANN UPTON-WHEELER AND  
LINDSAY WHEELER,  
Respondents.

**FILED**

SEP 25 2009

TRACEE K. HENDERMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

On July 16, 2009, the settlement judge filed a report indicating that the parties agreed to a settlement of this appeal. Accordingly, on July 22, 2009, we directed appellant to file a stipulation or motion to dismiss this appeal or otherwise inform this court of the status of this appeal within 30 days. To date, appellant has not responded to our order or otherwise communicated with this court. Accordingly, cause appearing, we dismiss this appeal as abandoned.

It is so ORDERED.

*[Signature]*, J.  
Cherry

*[Signature]*, J.  
Saitta

*[Signature]*, J.  
Gibbons

cc: Hon. Leon Aberasturi, District Judge  
Carolyn Worrell, Settlement Judge  
Fry & Berning, LLC  
Gary M. Pakele  
Churchill County Clerk