

IN THE SUPREME COURT OF THE STATE OF NEVADA

COMMERCIAL LOFTS, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,

Appellant,

vs.


TAND, INC., A NEVADA  
CORPORATION AND KALB  
CONSTRUCTION COMPANY, A  
NEVADA CORPORATION,

Respondents.

No. 53982

**FILED**

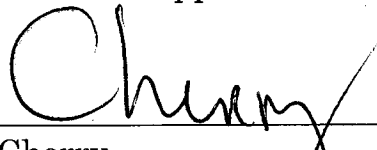
**SEP 03 2009**

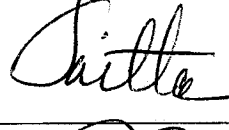
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL AND  
REMANDING TO THE DISTRICT COURT

Pursuant to the parties' settlement agreement, appellant's motion for voluntary dismissal and cause appearing, we dismiss this appeal. The parties shall bear their own costs and attorney fees. NRAP 42(b). This matter is remanded to the district court to conduct appropriate proceedings, if any, to alter, amend, or vacate its order or judgment as necessary for the parties to fulfill the terms of their settlement agreement. In the event the district court declines to grant the requested relief, appellant may file a motion to reinstate this appeal.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge  
Kathleen M. Paustian, Settlement Judge  
Jones Vargas/Las Vegas  
Leavitt Sully & Rivers  
McCullough, Perez & Associates, Ltd.  
Eighth District Court Clerk