

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIGAH NESMITH,  
Appellant,  
vs.  
THE BANK OF NEW YORK,  
Respondent.

No. 55804

**FILED**

JUN 10 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: Tracie K. Lindeman  
DEPUTY CLERK

ORDER DISMISSING APPEAL

Having reviewed the stipulation of the parties filed on June 8, 2010, the stipulation is approved, and this appeal is hereby dismissed. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.

CLERK OF THE SUPREME COURT  
TRACIE K. LINDEMAN

BY: Tracie K. Lindeman

cc: Hon. Elissa F. Cadish, District Judge  
Eligah Nesmith  
Miles, Bauer, Bergstrom & Winters, LLP  
Eighth District Court Clerk