

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: KITEC FITTING LITIGATION:

No. 55901

MAJESTIC PLUMBING, INC.; AND  
SHARP PLUMBING, INC.,  
Appellants,

vs.

TRACIE L. QUINTERRO; ERIC W.  
QUINTERRO; STEPHEN INFERRERA;  
SHEILA INFERRERA; ANNA  
NAVARRO; SUSAN SHELDON;  
ROBERT DOSTLER; BEVERLY  
MILLER; EMMA NORTON; DAVID  
OBER; JENNIFER OBER; DAVID  
PURSJANO; LAUREL BRADY;  
PAMELA T. SMITH; KARI BRADY;  
PAUL BRADY; RODERICK SAUP;  
RHONDA SAUP; LAURA ISHUM;  
NANCY DRAPEAU; YOLANDA  
FLORES; REBEKAH OGLE; RICK  
GUZMAN; PAUL  
MESSINGSCHLAGER; BARRY SWEET;  
EVAN LEVY; MARY LEVY; LESLIE  
GUNNELS; JOHN BERBIRIAN; DOUG  
ELLINGTON; MELANIE  
LITTLEFIELD; HARVEY SMITH; MIKE  
HOUSE; VINCENT MARINO; LARRY  
MAIER; DAN RIORDAN; LINDA  
MCINTYRE, INDIVIDUALLY AND AS  
CLASS REPRESENTATIVES; IPEX  
USA LLC.; AND IPEX, INC.,  
Respondents.

**FILED**

**JAN 14 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DISMISSING APPEAL


This is an appeal from a district court judgment, certified as final under NRCP 54(b), adjudicating a subclass of plaintiffs' claims against appellant Majestic Plumbing, Inc., in a class action filed under

NRS Chapter 40, awarding those plaintiffs damages and attorney fees and costs, and offsetting the award based on a settlement contribution. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

Presently before this court is appellants' motion to voluntarily dismiss this appeal, based on a settlement reached in the underlying matter on December 21, 2010. Appellants point out that the terms of the settlement include their agreement to dismiss the appeal and that the parties will bear their own appellate fees and costs, and they include a stipulation that appellants may seek to recall the remittitur and reinstate the appeal in the unlikely event that the district court disapproves the settlement. Respondents have joined in the motion and ask this court to dismiss the appeal immediately, based on the settlement's terms.

Having considered the motion and joinder thereto, we grant it. Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

 \_\_\_\_\_, C.J.

cc: Hon. Timothy C. Williams, District Judge  
Ara H. Shirinian, Settlement Judge  
Luh & Associates  
Sterling Law, LLC  
Thagard, Reiss & Brown, LLP  
Kemp, Jones & Coulthard, LLP  
Lemons, Grundy & Eisenberg  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, respondents' motion for resolution of pending matters and to expedite this appeal is denied as moot.