

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS B. SMILEY AND
COMMONWEALTH INVESTMENT
AND DEVELOPMENT
CORPORATION,
Appellants,
vs.
GERALD D. FACCIANI AND
JOSEPH F. PROTO,
Respondents.

No. 56389

FILED

SEP 29 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Y. [Signature]
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court partial summary judgment. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

When our review of the docketing statement and the NRAP 3(g) documents revealed potential jurisdictional defects, we directed appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we pointed out that an automatic stay under the bankruptcy code might apply to this matter and that it appeared that the order designated in the notice of appeal was not substantively appealable.

In response, the parties have filed a stipulation and order to dismiss this appeal, stating that they wish to dismiss the appeal with prejudice and that each party will bear its own fees and costs. The stipulation is approved. Accordingly, we

ORDER this appeal DISMISSED.¹

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
McDonald Law Group
Franklin T. Edwards
Santoro, Driggs, Walch, Kearney, Holley & Thompson
Eighth District Court Clerk

¹In light of this order, appellants' counsel's motion to withdraw is denied as moot.