IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER BIRD,

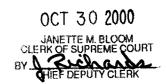
Appellant,

No. 35167

vs.

DONNIE K. CAPE, AND ETEC TESTING LABS, INC., A NEVADA CORPORATION,

Respondents.



FILED

## ORDER DISMISSING APPEAL

Pursuant to the settlement conference held in this matter, the stipulation of the parties and cause appearing, this appeal is dismissed. The parties shall bear their own costs and attorneys' fees. NRAP 42(b).

It is so ORDERED.

CLERK OF THE SUPREME COURT JANETTE M. BLOOM

By: B. Herstmanshoff

cc: Hon. Joseph T. Bonaventure, District Judge Daniel Marks, Settlement Judge Burris & Thomas Pico & Mitchell Clark County Clerk Robert Mintun, Court Reporter

SUPREME COURT OF NEVADA

**CLERK'S ORDER** (0)-1947