

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL D. FLAHERTY, IN HIS  
CAPACITY AS TRUSTEE OF AMF  
IRREVOCABLE TRUST DATED  
JANUARY 11, 2005 AND IN HIS  
CAPACITY AS THE  
REPRESENTATIVE OF THE ESTATE  
OF ANDREW MARTIN FLAHERTY,  
Appellant,

vs.

PROTECTIVE LIFE INSURANCE  
COMPANY F/K/A EMPIRE GENERAL  
LIFE INSURANCE COMPANY, A  
TENNESSEE CORPORATION; AND  
AXA EQUITABLE LIFE INSURANCE  
COMPANY, A DELAWARE  
CORPORATION,  
Respondents.

No. 57854

**FILED**

SEP 08 2011

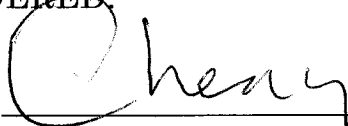
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *J. M. D.*  
DEPUTY CLERK


ORDER DISMISSING APPEAL AND  
REMANDING TO THE DISTRICT COURT

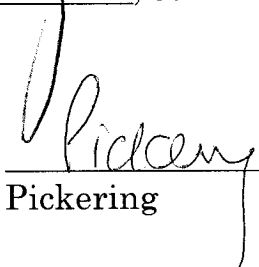
Pursuant to the settlement conference, the stipulation of the parties and cause appearing, we dismiss this appeal. The parties shall bear their own costs and attorney fees. NRAP 42(b). This matter is remanded to the district court to conduct appropriate proceedings, if any, to alter, amend, or vacate 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.<sup>1</sup>

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Valerie Adair, District Judge  
E. Paul Richitt, Jr., Settlement Judge  
Martin & Allison, Ltd.  
Gordon & Rees, LLP  
Kolesar & Leatham, Chtd.  
Eighth District Court Clerk

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<sup>1</sup> Any such motion to reinstate the appeal must be filed within 60 days of entry of the district court's order denying the requested relief.