

IN THE SUPREME COURT OF THE STATE OF NEVADA

BUDGET SUITES OF AMERICA, A  
NEVADA CORPORATION; AND  
BIGELOW MANAGEMENT, INC.,

Appellants,

vs.

CHERYL HEINTZ; AND ROBERT EBENS,  
AS PERSONAL REPRESENTATIVE FOR  
GREGORY HEINTZ,

Respondents.

No. 59968

**FILED**

NOV 01 2013

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER DISMISSING APPEAL AND REMANDING*

This is an appeal from a district court judgment in a tort action. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

On August 22, 2013, the parties filed a joint statement regarding settlement, indicating that the parties had reached a settlement in this matter and that they would submit a stipulation for dismissal once the settlement documents had been finalized and executed. No stipulation for dismissal was ever filed with this court, and on October 16, 2013, this court entered an order directing the parties to file a stipulation to dismiss or a joint status report within 15 days. On October 29, 2013, the parties filed a joint status report, requesting that this court issue a limited remand to allow the district court to approve the parties' settlement and requesting that this court issue an order amending the caption to add respondent Cheryl Heintz's guardian ad litem as a plaintiff and respondent.

Having considered the parties' request, we hereby dismiss this appeal and remand the matter to the district court. The appeal's

dismissal is without prejudice to the parties' right to file a motion to reinstate the appeal should the district court decline to approve the parties' settlement agreement. The parties should seek relief from the district court regarding the addition of Ms. Heintz's guardian ad litem as a plaintiff.

It is so ORDERED.

Pickering, C.J.  
Pickering

Hardesty, J.  
Hardesty

Cherry, J.  
Cherry

cc: Hon. Kenneth C. Cory, District Judge  
Santoro Whitmire  
Lionel Sawyer & Collins/Las Vegas  
Titolo Law Office  
Eighth District Court Clerk