

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; AND CCMSI,
Appellants,
vs.
GARTH BAKER,
Respondent.

No. 65734

FILED

DEC 16 2014

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

ORDER DISMISSING APPEAL

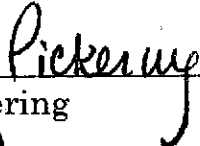
This is an appeal from a district court order granting a petition for judicial review in a workers' compensation matter. When our preliminary review of the documents before this court revealed a potential jurisdictional defect, we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that in reversing the appeals officer's decision on waiver and providing respondent with an opportunity to obtain additional evidence, the district court implicitly remanded the matter for reconsideration of respondent's request to expand the scope of the workers' compensation claim, and thus, did not enter a final, appealable judgment. NRS 233B.150; NRAP 3A(b)(1); *Ayala v. Caesars Palace*, 119 Nev. 232, 235, 71 P.3d 490, 492 (2003), *abrogated on other grounds by Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054, 194 P.3d 709, 713 (2008).

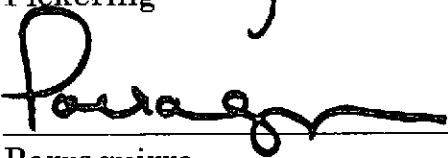
In their timely response, appellants ask that this court find jurisdiction because the district court essentially reversed the appeals officer's decision and, based on that reversal, the appeals officer has little choice but to reopen the claim upon respondent's submission of additional evidence. Nevertheless, appellants also assert that they have reached a


settlement agreement with respondent and ask this court to dismiss the appeal.

Appellants' settlement with respondent renders this appeal moot. Accordingly, we treat appellants' second request as a motion to voluntarily dismiss this appeal, *see* NRAP 42(b), which we grant, with the parties to bear their own costs and fees. *Id.* Accordingly, without resolving the jurisdictional question, we

ORDER this appeal DISMISSED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Rob Bare, District Judge
Persi J. Mishel, Settlement Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Greenman Goldberg Raby & Martinez
Eighth District Court Clerk