IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL O'BRIEN.

Appellant,

vs.

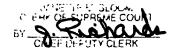
MODCO, INC., A NEVADA CORPORATION,

Respondent.

No. 36966

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JAN 2 2 2003



ORDER DISMISSING APPEAL

On November 19, 2002, the parties to this appeal stipulated to dismiss this appeal and remand this matter to the district court "for all further proceedings." Appellant subsequently filed a Certification Pursuant to Settlement Agreement filed in the district court, certifying that upon remand the district court "is inclined to retain jurisdiction over this matter, consistent with the terms of the settlement reached by the parties." See Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978).

Cause appearing, we approve the parties' stipulation. Accordingly, we remand this matter to the district court pursuant to its certification, and we order this appeal dismissed. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.

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. J.

J.

Maupin

J.

Gibbons

SUPREME COURT OF NEVADA

(O) 1947A

cc: Hon. Peter I. Breen, District Judge Geoffrey Roullard, Settlement Judge Law Office of Mark Wray Robison Belaustegui Sharp & Low Washoe District Court Clerk