

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL O'BRIEN,  
Appellant,  
vs.  
MODCO, INC., A NEVADA  
CORPORATION,  
Respondent.

No. 36966

JAN 29 2003

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BY J. Richards  
CLERK OF SUPREME COURT  
CHIEF DEPUTY CLERK

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.

Rose J.  
Rose

Maupin J.  
Maupin

Gibbons J.  
Gibbons

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