

IN THE SUPREME COURT OF THE STATE OF NEVADA

NORMAN P. APSTEIN,
Appellant,
vs.
TARA ELIZABETH JUBY,
Respondent.

No. 38775

FILED

MAY 13 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER GRANTING MOTIONS TO DISMISS AND DENYING MOTION
FOR FEES AND COSTS

This appeal was docketed in this court on November 14, 2001. The opening brief and appendix were due to be filed by February 12, 2002. See NRAP 31(a)(2). On March 13, 2002, respondent filed a motion to dismiss this appeal and a motion for fees and costs. On April 1, 2002, appellant filed a motion to voluntarily withdraw his appeal pursuant to NRAP 42(b). Cause appearing, we grant the motions to dismiss and order this appeal dismissed. Further, we conclude that the imposition of fees and costs is not warranted. See NRAP 38. Accordingly, we deny respondent's motion for fees and costs.

It is so ORDERED.

Agosti, AC.J.

cc: Hon. Deborah Schumacher, District Judge
Stone & Stone
Ronald J. Logar
Washoe District Court Clerk