

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL THOMPSON, HARLEY
THOMPSON AND HELEN
THOMPSON,
Appellants,

vs.

ALLSTATE INSURANCE COMPANY,
AN ILLINOIS CORPORATION;
THERESA M. ALTUM; REGINA
HOUSTON; AND MARY STOEBE,
Respondents.

PAUL THOMPSON,
Appellant,

vs.

ALLSTATE INSURANCE COMPANY,
AN ILLINOIS CORPORATION;
THERESA M. ALTUM; REGINA
HOUSTON; AND MARY STOEBE,
Respondents.

No. 39772

FILED

JUN 18 2003

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

No. 40750

ORDER DISMISSING APPEALS

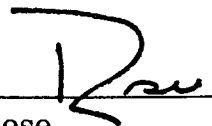
On February 18, 2003, the settlement judge filed a report with this court indicating that the parties agreed to a settlement in these appeals. Accordingly, on March 13, 2003, this court entered an order directing appellants to file a stipulation or motion to dismiss these related appeals or inform this court of the status of these appeals.

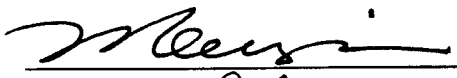
On March 20, 2003, appellant Paul Thompson filed a motion to dismiss the appeal in Docket No. 40750 "without prejudice." Because this court will only dismiss an appeal with prejudice, on April 4, 2003, this court entered an order denying appellant's motion to dismiss. That order also directed appellants in Docket No. 39772 and Docket No. 40750 to file a motion or stipulation to dismiss these appeals with prejudice or inform this court of the status of these appeals. Appellants were cautioned that failure to timely comply with the order may result in the dismissal of these appeals as abandoned.

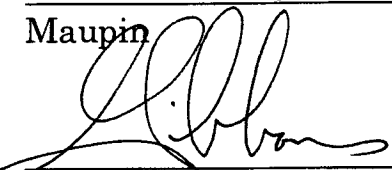
On April 21, 2003, appellant's counsel filed a response, in Docket No. 40750, to the April 4, 2003, order. Appellant's counsel states that "Appellant has no problem dismissing his appeal with prejudice so long as he is not precluded from appealing the Court's 'Order on Defendant's (*sic*) Motion for Summary Judgment On Claims Made by Paul Thompson' dated December 20, 2002 once a final judgment is entered." Appellant also "acknowledges that its appeal is not timely as there is no final judgment." We elect to treat the response as a motion to dismiss the appeal in Docket No. 40750 with prejudice. Cause appearing, we grant the motion and dismiss the appeal in Docket No. 40750. Appellant may appeal from the December 20, 2002, order once a final judgment has been filed in the district court. See NRAP 3A(b)(1). See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998).

To date, appellants in Docket No. 39772 have failed to file a stipulation or motion to dismiss that appeal or inform this court of the status of this appeal. Accordingly, we dismiss the appeal in Docket No. 39772 as abandoned.

It is so ORDERED.¹


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

¹In light of this order, all relief requested by respondents in their May 5, 2003, "Reply to Appellant's Motion to Dismiss Appeal" filed in Docket No. 39772 and Docket No. 40750, is denied as moot.

cc: Hon. Michelle Leavitt, District Judge
Lester H. Berkson, Settlement Judge
Leverty & Associates
Whitehead & Whitehead
Pyatt & Silvestri
Steptoe & Johnson
Clark County Clerk