IN THE SUPREME COURT OF THE STATE OF NEVADA

SMITH'S FOOD AND DRUG CENTERS, INC., D/B/A SMITH'S FOOD KING #381, Appellant, VS.

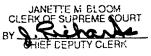
RONALD WINIARSKI,

Respondent.

No. 40126

DEC 1 9 2002

ORDER DISMISSING APPEAL



Pursuant to the stipulation of the parties and cause appearing,

this appeal is dismissed. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.

CLERK OF THE SUPREME COURT JANETTE M. BLOOM

BY: Thomas V. Harris

cc: Hon. Jeffrey D. Sobel, District Judge William C. Turner, Settlement Judge Barker Brown Busby Chrisman & Thomas P.C. Christensen Law Offices Clark County Clerk

PREME COURT OF NEVADA