

IN THE SUPREME COURT OF THE STATE OF NEVADA

MACKENZIE INSURANCE AGENCY,  
INC. AND PETE EASTMAN,

Appellants,

vs.

JAMES MARCUERQUIAGA AND  
GAYLE MARCUERQUIAGA,

Respondents.

No. 40204

FILED  
OCT 15 2002

OCT 15 2002

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

ORDER DISMISSING APPEAL

On September 23, 2002, appellants filed a notice of withdrawal of appeal. We elect to treat the notice as a motion for voluntary dismissal and, cause appearing, we grant the motion. NRAP 42(b). This appeal is dismissed.

On October 4, 2002, counsel for appellant filed a letter requesting a return of appellant's filing fee. We elect to treat the letter as a motion. See NRAP 27. See generally, In Re Petition to Recall Dunleavy, 104 Nev. 784, 769 P.2d 1271 (1988) (requests for relief to this court should be submitted in a formal motion and not by letter). No good cause appearing, we deny the motion. See NRAP 3(f) (the appellant shall tender the Supreme Court filing fee to the clerk of the district court at the time of filing the notice of appeal); NRS 2.250(1)(a) (the clerk of the supreme court may demand and receive for his services rendered in discharging the duties imposed upon him by law . . . the sum of \$200.00).

It is so ORDERED.

*Shawing A* C.J.

cc: Hon. Brent T. Adams, District Judge  
Alverson Taylor Mortensen Nelson & Sanders  
Bradley Drendel & Jeanney  
Washoe District Court Clerk