

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH JESKE,

Appellant/Cross-
Respondent,

vs.

UNITED FINANCIAL MORTGAGE
CORP., AN ILLINOIS CORPORATION,

Respondent/Cross-
Appellant.

No. 40406

FILED

MAY 10 2006

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

ORDER DISMISSING APPEAL AND CROSS-APPEAL

On October 17, 2003, this court ordered this appeal stayed pursuant to the mandatory provisions of federal bankruptcy law. See 11 U.S.C. § 362(a). On March 11, 2004, this court entered an order directing appellant/cross-respondent to file a status report informing this court of the status of the bankruptcy proceedings.

On April 22, 2004, the parties filed a stipulation to dismiss this appeal and cross-appeal. We note that the parties have not informed this court whether the mandatory bankruptcy stay remains in effect. Nevertheless, we conclude that approving the parties' stipulation to dismiss will not violate the bankruptcy stay because it does not require this court to consider issues presented by or related to the underlying case. See Dean v. Trans World Airlines, Inc., 72 F.3d 754 (9th Cir. 1995) (holding that a post-filing dismissal will violate the automatic stay "where the decision to dismiss first requires the court to consider other issues presented by or related to the underlying case."). Cause appearing, we

approve the stipulation and dismiss this appeal and cross-appeal. NRAP 42(b). Each party shall bear their own attorney fees and costs. Id.

It is so ORDERED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Eighth Judicial District Court Dept. 7, District Judge
William F. Buchanan, Settlement Judge
Nik Skrinjaric
Tharpe & Howell
Clark County Clerk