

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW C. BARBER,
Appellant,
vs.
CHALI J. CARPENTER,
Respondent.

No. 40791

FILED

MAR 30 2004

ORDER DISMISSING APPEAL

JANE L. DIXON
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

The parties to this appeal have stipulated to dismiss this appeal and remand this matter to the district court for entry of an amended judgment. Attached to the stipulation as Exhibit "A" is an order of the district court certifying that upon remand it is inclined to enter the amended order of December 10, 2002, "consistent with the terms of the settlement reached by the parties." See Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978).

Cause appearing, we approve the parties' stipulation. Accordingly, we remand this matter to the district court pursuant to its certification, and we dismiss this appeal. The parties shall bear their own costs and attorney fees. NRAP 42(b).¹

It is so ORDERED.

Shearing, C.J.
Shearing

Rose, J.
Rose

Maupin, J.
Maupin

¹The order entered on January 9, 2004, directing appellant to comply with NRAP 9(a) and to file and serve the opening brief and appendix, is vacated. The parties' February 26, 2004, stipulation to dismiss this appeal and to remand is denied as moot.

cc: Hon. Archie E. Blake, District Judge
Carolyn Worrell, Settlement Judge
Marilyn D. York
Stephen C. Amesbury
Churchill County Clerk