

IN THE SUPREME COURT OF THE STATE OF NEVADA

STANLEY SCHWARTZ AND MARILYN  
SCHWARTZ,  
Appellants,  
vs.  
STANLEY ABRAMOWITZ AND  
DEANNA ABRAMOWITZ; AND SUN  
CITY SUMMERLIN COMMUNITY  
ASSOCIATION, INC.,  
Respondents.

No. 41013

FILED

JAN 28 2004

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

ORDER DISMISSING APPEAL

This is an appeal from a final judgment.<sup>1</sup> On October 8, 2003, appellants Stanley and Marilyn Schwartz filed a “declaration” that the Schwartzes and respondents Stanley and Deanna Abramowitz have entered into binding arbitration, and that the Abramowitzes are no longer parties to this appeal. We elect to treat the Schwartzes’ “declaration” as a motion to dismiss the Abramowitzes from this appeal. We grant the motion and dismiss this appeal as to the Abramowitzes.

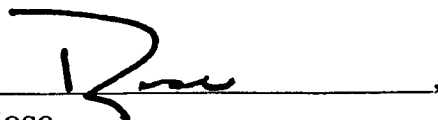
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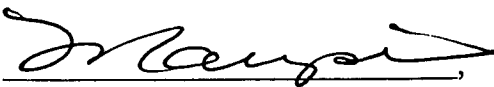
<sup>1</sup>The multiple notices of appeal and the district court’s actions indicate jurisdictional confusion in this appeal. It appears that the April 3, 2003 order that granted summary judgment to the Abramowitzes was the final judgment in this case, as the district court had already granted summary judgment to respondent Sun City Summerlin Community Association, Inc. and granting summary judgment to the Abramowitzes disposed of all the issues presented in the case, and left nothing for the court’s future consideration, except for post-judgment issues such as attorney fees and costs. Thus, the Schwartzes’ April 24, 2003 amended notice of appeal perfected their appeal.

On December 15, 2003, the Schwartzes filed a motion to voluntarily dismiss this appeal. We grant the motion and dismiss the remainder of this appeal. The parties shall bear their own fees and costs, if any.<sup>2</sup>

It is so ORDERED.

 C.J.  
Shearing

 J.  
Rose

 J.  
Maupin

cc: Hon. Ronald D. Parraguirre, District Judge  
William C. Turner, Settlement Judge  
Kyle & Kyle  
Alverson Taylor Mortensen Nelson & Sanders  
Hafen, Porter & Storm, Ltd.  
Clark County Clerk

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<sup>2</sup>NRAP 42(b).