

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOUTHERN NEVADA SURGICAL CENTER, A SHARON C. FRANK PROFESSIONAL CORPORATION; SOUTHERN NEVADA SURGICAL CENTER, LP (A LIMITED PARTNERSHIP) D/B/A SOUTHERN NEVADA SURGICAL CENTER; SURGEX-SOUTHERN NEVADA, INC., GENERAL PARTNER OF SOUTHERN NEVADA SURGICAL CENTER, LP (A LIMITED PARTNERSHIP); AND SURGEX, INC., A FOREIGN CORPORATION,

Appellants,

vs.

N.A.D., INC., D/B/A NORTH AMERICAN DRAGER, A FOREIGN CORPORATION; AND INVIVO RESEARCH, INC., A FOREIGN CORPORATION,

Respondents.

SOUTHERN NEVADA SURGICAL CENTER, A SHARON C. FRANK PROFESSIONAL CORPORATION; SOUTHERN NEVADA SURGICAL CENTER, LP, A LIMITED PARTNERSHIP D/B/A SOUTHERN NEVADA SURGICAL CENTER; SURGEX-SOUTHERN NEVADA, INC., GENERAL PARTNER OF SOUTHERN NEVADA SURGICAL CENTER, LP, A DELAWARE CORPORATION; SURGEX, INC., A NEVADA CORPORATION; CONTINENTAL INSURANCE COMPANY, A FOREIGN CORPORATION; CONTINENTAL ASSURANCE COMPANY, AN ILLINOIS CORPORATION; CONTINENTAL

No. 38060

FILED

DEC 19 2003

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

No. 41284

CASUALTY COMPANY, A NEW YORK CORPORATION; AND LIFE SUPPORT SYSTEMS, INC., AN ARIZONA CORPORATION,

Appellants/  
Cross-Respondents,

vs.

GERLING-KONZERN ALLGEMEINE VERSICHERUNGS-AG, A FOREIGN CORPORATION; GERLING AMERICA INSURANCE COMPANY, A NEW YORK CORPORATION; GERLING GLOBAL KONZERN VERSICHERUNGS BETEILIGUNG-AG, A FOREIGN CORPORATION; GERLING KONZERN GLOBAL RUECKVERSICHERUNGS-AG, A FOREIGN CORPORATION; GERLING SECURITY CORP. AG, A FOREIGN CORPORATION; GERLING INVESTMENT CORP. LTD., A FOREIGN CORPORATION; GERLING GLOBAL GENERAL INSURANCE CO., A FOREIGN CORPORATION; GERLING GLOBAL REINSURANCE COMPANY, A FOREIGN CORPORATION; AND GERLING GLOBAL REINSURANCE CORPORATION, A FOREIGN CORPORATION,

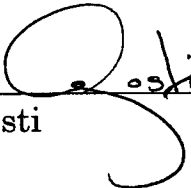
Respondents/  
Cross-Appellants.


ORDER DISMISSING APPEALS AND CROSS-APPEAL  
AS ABANDONED

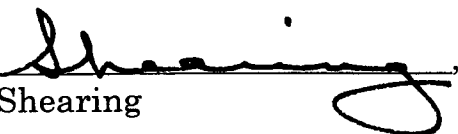
On July 21, 2003, the settlement judge filed a report stating that the parties agreed to a settlement of these appeals and cross-appeal. Accordingly, on September 3, 2003, this court directed the parties to file a

stipulation or motion to dismiss these appeals and cross-appeal, or otherwise inform this court of the status of this matter, within 30 days. To date, the parties have not responded to our order or otherwise communicated with this court. Accordingly, cause appearing, we dismiss these appeals and cross-appeal as abandoned.

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Agosti

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Shearing

cc: Hon Gene T. Porter, District Judge  
Hon. Stewart L. Bell, District Judge  
Joseph J. Bongiovi, III, Settlement Judge  
Bowen Law Offices, Chtd.  
Edwards, Hale, Sturman, Atkin & Cushing, Ltd.  
Perry & Spann/Reno  
Rogers & Wells  
Lorber/Pengilly  
Morison-Knox, Holden, Melendez & Prough, LLP  
Clark County Clerk

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<sup>1</sup>In light of this order, we vacate our June 26, 2003 order in Docket No. 41284 directing appellants/cross-respondents to file the case appeal statement.