

IN THE SUPREME COURT OF THE STATE OF NEVADA

JIM MILTENBERGER,
Appellant,

No. 41559

FILED

vs.

TUDOR CHIRILA,
Respondent.

DEC 04 2003


ORDER DISMISSING APPEAL


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


Respondent has filed a motion for this court to impose sanctions against appellant and his attorney. In support of the motion, respondent contends that the "filing of the Appeal was reckless and frivolous." Appellant opposes the motion and requests this court to dismiss "the instant appeal with prejudice" and for attorney fees and costs.¹ Respondent opposes the request for fees and costs.

No good cause appearing, we deny respondent's motion to impose sanctions against appellant and appellant's request for attorney fees and costs. Cause appearing, appellant's request for a voluntary dismissal of this appeal is granted. This appeal is dismissed. NRAP 42(b).

It is so ORDERED.²


_____, C.J.
Agosti


_____, J.
Rose


_____, J.
Maupin

¹Appellant's opposition having been filed on August 29, 2003, we deny as moot, the August 27, 2003, motion for leave to file an opposition.

²We deny as moot appellant's August 6, 2003, motion to dismiss this appeal "without prejudice."

cc: Hon. Steven P. Elliott, District Judge
Janet L. Chubb, Settlement Judge
Flangas Law Office
Tudor Chirila
Washoe District Court Clerk