

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOBBY STEPHENS MASONRY,  
Appellant,  
vs.  
CAPITAL PACIFIC HOMES, INC., A  
NEVADA CORPORATION F/K/A  
DURABLE HOMES INC.,  
Respondent.

No. 41703

**FILED**

JAN 21 2004

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

ORDER DISMISSING APPEAL AS ABANDONED

On October 15, 2003, the settlement judge filed a report indicating that the parties agreed to a settlement of this appeal. Accordingly, on October 27, 2003, we directed appellant to file a stipulation or motion to dismiss this appeal or otherwise inform this court of the status of this appeal within 30 days. To date, appellant has not responded to our order or otherwise communicated with this court. Accordingly, cause appearing, we dismiss this appeal as abandoned.

It is so ORDERED.

*Shearing* C.J.  
Shearing

*Rose* J.  
Rose

*Maupin* J.  
Maupin

cc: Hon. Michael L. Douglas, District Judge  
Lester H. Berkson, Settlement Judge  
Brady, Vorwerck, Ryder & Caspino  
Gonzalez Howard & Reade, Ltd.  
Clark County Clerk