IN THE SUPREME COURT OF THE STATE OF NEVADA

MEADOW VALLEY CONTRACTORS, INC., A NEVADA CORPORATION; AND THE SURETY INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA, Appellants, VS.

INNOVATIVE CONSTRUCTION SYSTEMS, INC., A NEVADA CORPORATION, No. 41915

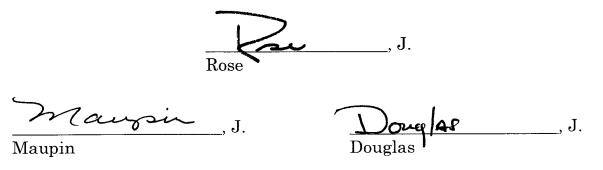
NOV 0 4 2004 JANETTE M. BLOOM CLERK OF SUPREME COURT BY JREF DEPUTY CLERK

ORDER DISMISSING APPEAL

Respondent.

Pursuant to the settlement conference, the stipulation of the parties and cause appearing, we dismiss this appeal. The parties shall bear their own costs. NRAP 42(b). This matter is remanded to the district court to conduct appropriate proceedings, if any, to alter, amend, or vacate its order or judgment as necessary for the parties to fulfill the terms of their settlement agreement. We note that if the district court declines to grant the requested relief, appellants may file a motion to reinstate this appeal.

It is so ORDERED.¹



¹ In light of this order, we vacate that portion of our previous order directing appellants to comply with the provisions set forth in <u>Huneycutt</u> <u>v. Huneycutt</u>, 94 Nev. 79, 575 P.2d 585 (1978).

SUPREME COURT OF NEVADA cc:

Eighth Judicial District Court Dept. 1, District Judge
Eugene Osko, Settlement Judge
Fennemore Craig
Morse & Mowbray
Beckley Singleton, Chtd./Las Vegas
Clark County Clerk

(O) 1947A