

IN THE SUPREME COURT OF THE STATE OF NEVADA

EQUATORIAL TONOPAH, INC.;  
EQUATORIAL MINING LIMITED; AND  
EQUATORIAL MINING NORTH  
AMERICA, INC.,

Appellants/Cross-  
Respondents,

vs.

KVAERNER U.S. INC.,

Respondent/Cross-  
Appellant.

No. 42659

**FILED**

SEP 01 2004

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL AND CROSS-APPEAL

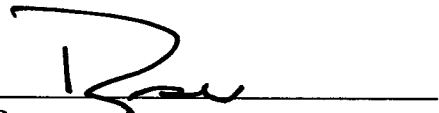
On February 4, 2004, the parties filed a stipulation to dismiss this appeal and cross-appeal. The stipulation provided in pertinent that “this matter [be] remanded to the district court for action pursuant to the settlement agreement. Cf., *Huneycutt v. Huneycutt*.” On March 18, 2004, this court entered an order deferring ruling on the parties’ stipulation to dismiss this appeal. Specifically, that order noted that the parties failed to comply with the procedures for remand set forth in *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978). Consequently, that order directed the parties to file in this court a copy of an order of the district court certifying that it is inclined to grant the parties’ requested relief.

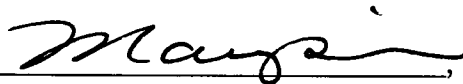
On May 10, 2004, appellants/cross-respondents (“appellants”) filed a document entitled “Motion for Limited Remand to the District Court.” In the motion, appellants represent that “[t]he parties have reached a settlement in the underlying action and the district court has certified its inclination to enter an order vacating all judgments and dismissing with prejudice all claims.” Consequently, appellants request “that this Court remand the case, vesting the district court with

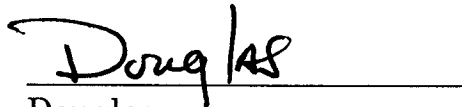
jurisdiction.” Attached to the motion is a copy of the district court order certifying its inclination to grant the parties’ requested relief.

Cause appearing, we approve the parties’ stipulation and we grant appellants’ motion to remand. Accordingly, we remand this matter to the district court pursuant to its certification, and we dismiss this appeal and cross-appeal. NRAP 42(b).

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

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Michael P. Gibbons, District Judge  
Lester H. Berkson, Settlement Judge  
Rowe & Hales  
Woodburn & Wedge  
Yetter & Warden  
Beckley Singleton, Chtd./Las Vegas  
Nye County Clerk

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<sup>1</sup>The parties’ “Stipulation for Stay of Proceedings and Stay of Execution” is denied as moot.