

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT MILLER, INDIVIDUALLY,  
Appellant,  
vs.  
MARK S. JOHNSON, INDIVIDUALLY,  
Respondent.

No. 42686

FILED

DEC 01 2004

ORDER DISMISSING APPEAL

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

On November 1, 2004, appellant filed a notice of withdrawal of appeal. Appellant's notice is treated as a motion for voluntary dismissal. Cause appearing, the motion is granted and this appeal is dismissed. NRAP 42(b).

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

CLERK OF THE SUPREME COURT  
JANETTE M. BLOOM

BY: *B. Horstmannshoff*

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Howard Roitman, Settlement Judge  
Rands, South, Gardner & Hetey  
Connolly & Fujii  
Clark County Clerk

<sup>1</sup> Appellant's May 7, 2004, "Motion to Voluntarily Dismiss Appeal Without Prejudice or in the Alternative, to Fix Terms to allow Dismissal of Appeal to be Without Prejudice Until October 15, 2004, Pursuant to NRAP 42(b)," is denied as moot.