

RULE 42. VOLUNTARY DISMISSAL

~~[(a) Reserved.]~~

~~[(b) Dismissal in the Supreme Court or Court of Appeals.]~~ The clerk may dismiss an appeal or other proceeding ~~[if the parties file a signed dismissal agreement specifying how costs are to be paid]~~ upon stipulation of the parties or uncontested motion by the appellant or petitioner and payment of any fees that are due. But no remittitur or other process shall issue without a court order. ~~[An appeal may be dismissed on the appellant's motion]~~ Dismissal may be on terms agreed to by the parties or as fixed by the court.

REVIEWING NOTE

To be consistent with NRAP 27(c)(3), this rule is amended to allow the clerk to also dismiss an appeal or other proceeding upon a motion for voluntary dismissal. The requirement to specify how costs are to be paid has been removed so that the clerk is also able to dismiss an appeal or other proceeding when the motion/stipulation for voluntary dismissal does not specify payment of costs.