

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEONARD RODOWICK AND ALICE
RODOWICK, INDIVIDUALS AND
HUSBAND AND WIFE; TRADEWINDS
LTD. PARTNERSHIP; GULL WING
LTD. PARTNERSHIP; AND WESTERN
WINGS LTD. PARTNERSHIP, ALL
NEVADA LIMITED PARTNERSHIPS,

Appellants,

vs.

JOHN RUELL AND LAURETTE
RUELL, INDIVIDUALS AND
HUSBAND AND WIFE,

Respondents.

No. 43540

FILED

AUG 16 2005

JANICE A. LINDY
CLERK OF THE SUPREME COURT
BY *J. Richard*
CLERK

ORDER DISMISSING APPEAL AND
REFERRING MATTER TO THE STATE BAR


On October 13, 2004, this court entered an order reinstating briefing after the parties were unable to reach a settlement in this appeal. That order directed appellants to request transcripts in compliance with NRAP 9(a) within 15 days and to file the opening brief and appendix within 120 days. Because appellants failed to comply with NRAP 9(a) as directed, on February 9, 2005, this court entered a second order directing them to file the appropriate document. We also cautioned appellants that failure to timely comply with our order could result in the imposition of sanctions, including the dismissal of this appeal as abandoned.

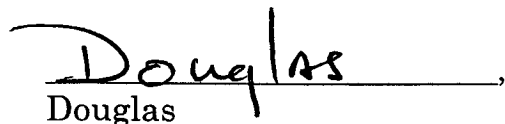
Appellants still did not comply with NRAP 9(a) as directed in our October 13, 2004, and February 9, 2005, orders. In addition, appellants failed to file the opening brief, which was due on February 10, 2005. Accordingly, on May 31, 2005, this court entered an order imposing sanctions on appellant's counsel, attorney Nancy Theresa Lord. That

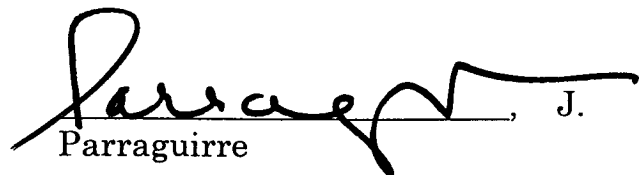
order directed Ms. Lord to personally pay the sum of \$500.00 to the Supreme Court Law Library within 15 days and to file proof of such payment within the same time period. Furthermore, we directed Ms. Lord to comply with NRAP 9(a) and to file and serve the opening brief and appendix within 10 days. We cautioned Ms. Lord that failure to timely comply with our order could result in the imposition of additional sanctions, including dismissal of this appeal as abandoned and referral to the State Bar of Nevada for investigation.

To date, Ms. Lord has failed to pay the sanction imposed against her and file proof of such payment, failed to request transcripts in compliance with NRAP 9(a) and failed to file the opening brief and appendix. Moreover, Ms. Lord has not communicated with this court regarding this matter. We conclude that counsel's continued failure to comply with our orders warrants the imposition of additional sanctions. See NRAP 9(a)(3); NRAP 31(c). Accordingly, we dismiss this appeal as abandoned. Further, we refer this matter to the State Bar of Nevada for investigation.

It is so ORDERED.

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

cc: Hon. Robert W. Lane, District Judge
Thomas J. Tanksley, Settlement Judge
Nancy Theresa Lord
Leavitt Law Firm
Rob Bare, Bar Counsel
Nye County Clerk