

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAURICE RIND,

Appellant,

vs.

JOHN O'MEARA, AN INDIVIDUAL,
AND AS PRESIDENT OF JOM
ENTERPRISES, INC.; AND ERIC
DOBBERSTEIN, AN INDIVIDUAL,
Respondents.

No. 43650

FILED

JUN 08 2005

ANNE CALKINS
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL

This appeal was docketed in this court on July 22, 2004. Accordingly, appellant was required to request transcripts in compliance with NRAP 9(a) by August 6, 2004, and to file the opening brief and appendix by November 22, 2004. See NRAP 9(a); NRAP 31(a)(1). Because appellant failed to file these documents by their due dates, on January 10, 2005, respondents filed a motion to dismiss this appeal.¹ Appellants opposed the motion.

On February 17, 2005, this court entered an order denying the motion to dismiss because this court prefers to decide cases on their merits. See Price v. Dunn, 106 Nev. 100, 105, 787 P.2d 785, 787 (1990). That order directed appellant to comply with NRAP 9(a) by February 28, 2005, and to file and serve the opening brief and appendix by March 21, 2005. In addition, we cautioned appellant that failure to timely comply with our order might result in the imposition of sanctions.

On March 25, 2005, respondents filed a second motion to dismiss this appeal. In the motion, respondents note that appellant has

¹Respondents also moved to dismiss the appeals in Docket Nos. 40308, 41411, 41717, 42214 and 42215.

again failed to file the opening brief and argue this failure "warrants dismissal of this appeal." To date, appellant has not opposed the second motion to dismiss. Additionally, appellant has not complied with our February 17, 2005, order directing him to request transcripts and to file the opening brief and appendix, or otherwise communicated with this court.

As we have previously noted, this court prefers to decide cases on their merits. See Price, 106 Nev. at 105, 787 P.2d at 787; see also Hansen v. Universal Health Servs., 112 Nev. 1245, 1248, 924 P.2d 1345, 1346 (1996). Here, however, appellant has repeatedly failed to comply with our appellate rules and orders. Under these circumstances, we conclude that dismissal of this appeal is warranted and we grant respondents' motion. See NRAP 9(a)(3); NRAP 31(3)(c). This appeal is dismissed.

It is so ORDERED.

Becker, C.J.
Becker

Maupin, J.
Maupin

Douglas, J.
Douglas

cc: Eighth Judicial District Court Dept. 3, District Judge
Palazzo Law Firm
Eric Dobberstein & Associates
JoNell Thomas
Clark County Clerk