

IN THE SUPREME COURT OF THE STATE OF NEVADA

KYONG SUN OH AND SUK JOO OH,  
D/B/A BONANZA DISCOUNT CENTER,  
Appellants,

vs.

SMITH'S FOOD AND DRUG CENTERS,  
INC., A DELAWARE CORPORATION,  
Respondent.

SMITH'S FOOD AND DRUG CENTERS,  
INC., A DELAWARE CORPORATION,  
Appellant,

vs.

SUK JOO OH AND KYONG SUN OH,  
D/B/A BONANZA DISCOUNT CENTER,  
Respondents.

SUK JOO OH AND KYONG SUN OH,  
D/B/A BONANZA DISCOUNT CENTER,  
Appellants,

vs.

SMITH'S FOOD AND DRUG CENTERS,  
INC., A DELAWARE CORPORATION;  
AMERICAN PROPERTY INVESTORS  
VII, A COLORADO LIMITED  
PARTNERSHIP; AMERICAN REAL  
ESTATE HOLDINGS LIMITED  
PARTNERSHIP, A DELAWARE  
LIMITED PARTNERSHIP; MAK  
ENTERPRISES, A NEVADA LIMITED  
PARTNERSHIP; MAK CORP., A  
NEVADA CORPORATION; AND  
WARREN KELLOGG,  
Respondents.

No. 43190

**FILED**

APR 26 2005

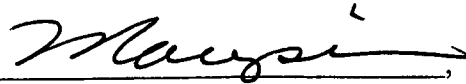
JANETTE M BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK


No. 43406

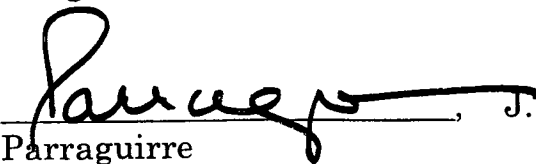
No. 44416

complete the preparation of the transcripts, Ms. Valentin shall, within the same time period, file a motion requesting an extension of time and stating the reason for the extension. See NRAP 9(c). If the requested transcripts cannot be produced, Ms. Valentin shall notify this court, in writing, of this fact.

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Valerie Adair, District Judge  
Beckley Singleton, Chtd./Las Vegas  
Hong & Hong  
Harrison Kemp & Jones, LLP  
Snell & Wilmer, LLP  
Clark County Clerk  
Yvonne Valentin, Court Reporter

ORDER DISMISSING APPEAL IN DOCKET NO. 44416, DIRECTING  
COMPLIANCE WITH NRAP 9(a) AND DIRECTING  
THE FILING OF TRANSCRIPTS

On March 30, 2005, appellants Suk Joo Oh and Kyong Sun Oh, d/b/a Bonanza Discount Center, filed a notice to dismiss their appeal in Docket No. 44416. The notice is treated as a motion for voluntary dismissal. Cause appearing, the motion is granted and the appeal in Docket No. 44416 is dismissed. NRAP 42(b).

On January 27, 2005, this court entered an order that, among other things, reinstated briefing in these consolidated appeals and directed each appellant to request transcripts in compliance with NRAP 9(a) within 15 days. See NRAP 9(a); NRAP 10(b); and NRAP 30(b)(1). To date, Smith's Food and Drug Centers, Inc. (Smith's Food), as appellant in Docket No. 43406, has failed to comply with that order. We again direct Smith's Food to request transcripts in compliance with NRAP 9(a). Smith's Food shall have 10 days from the date of this order to file and serve the appropriate document. Id. Failure to comply timely with this order may result in the imposition of sanctions, including dismissal of the appeal in Docket No. 43406. See NRAP 9(a)(3).

On February 15, 2005, Bonanza filed a transcript request form requesting court reporter Yvonne Valentin to produce transcripts.<sup>1</sup> All requested transcripts were due to be filed by March 2, 2005. See NRAP 9(b). To date, Ms. Valentin has not filed the requested transcripts.

Ms. Valentin shall have 20 days from the date of this order to prepare and file the requested transcripts. If more time is needed to

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<sup>1</sup>A copy of the transcript request form is attached to this order.