

IN THE SUPREME COURT OF THE STATE OF NEVADA

PRESTIGE REALTY & DEVELOPERS,
INC., A NEVADA CORPORATION,
Appellant,
vs.
HIDDEN SECRETS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Respondent.

No. 44732

FILED

JUL 29 2005

JANETIE J. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL AS ABANDONED


On June 24, 2005, the settlement judge filed a settlement conference report indicating that the parties were unable to agree to a settlement of this matter. Attached to that report is a letter from the settlement judge stating that he had been informed by one of the attorneys for appellant that the parties had agreed to a settlement of this matter prior to the scheduled settlement conference being held. The settlement judge requested both parties to confirm in writing that the matter had been settled. The settlement judge represents that because neither party responded to his request, he "must file the enclosed status report that the parties were unable to agree to a settlement of this matter." We remind counsel for appellant that even if parties to an appeal agree to a settlement, an appellant must file a motion or stipulation to dismiss the appeal with this court.

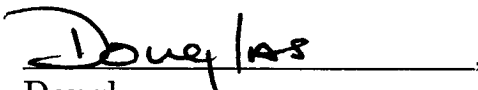
Further, we note that this appeal was docketed in this court on February 22, 2005. Accordingly, the docketing statement was due to be filed by March 8, 2005. See NRAP 14(b). Because appellant failed to file the docketing statement, on March 17, 2005, the clerk's office issued a notice directing appellant to file the required document by April 18, 2005. Because appellant had still not filed the docketing statement, on June 21,

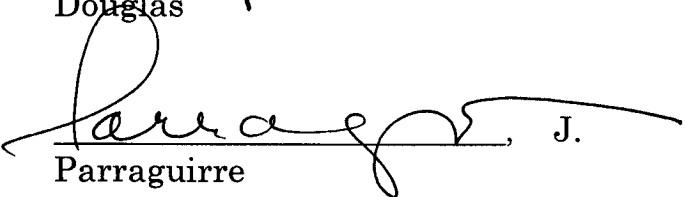
2005, this court entered an order directing appellant to file the docketing statement by July 1, 2005. In that order, we cautioned appellant that failure to comply with that order may result in the imposition of sanctions, including dismissal of the appeal. To date, appellant has failed to comply with that order.

We admonish counsel for appellant for failing to file the docketing statement pursuant to this court's procedural rules and order, and for failing to properly communicate with the settlement judge or to file a motion or stipulation to dismiss this appeal if this matter was in fact settled. In light of appellant's actions, we dismiss this appeal as abandoned.

It is so ORDERED.


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

cc: Honorable Jackie Glass, District Judge
Phillip Aurbach, Settlement Judge
Allen Lichtenstein
Joseph X. Tangredi
Flangas McMillan Law Group, Inc.
Clark County Clerk