

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMERICAN HARDWOOD FLOORS,
INC., A NEVADA CORPORATION,
Appellant,

vs.

VICTORIA PAPPAS AND ALEXANDER
PAPPAS, INDIVIDUALS,
Respondents.

No. 45038

FILED

JAN 06 2006

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

ORDER DISMISSING APPEAL

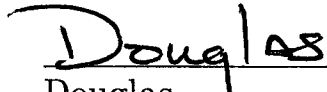
The settlement judge has filed a report indicating that appellant did not participate in the settlement process in good faith. Specifically, the settlement judge reports that counsel for appellant was unable to contact appellant in an attempt to verify the multiple conferences that were scheduled. Additionally, although counsel for appellant attended the conference that was held, appellant was not present. See NRAP 16(e) (counsel for all parties and their clients must attend the conference unless the client is excused for good cause by the settlement judge and the attorney has full settlement authority). Finally, the settlement judge also reports that appellant did not submit a settlement statement. See NRAP 16 (d).

Respondents have filed a motion to dismiss this appeal. As cause for that motion, respondents note appellant's failure to comply with this court's procedural rules regarding the settlement conference program. Appellant has not responded to the motion.

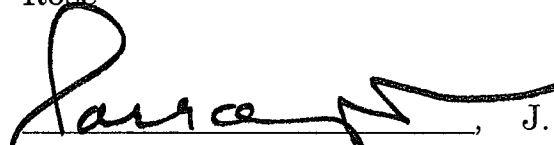
Cause appearing, in light of the settlement judge's report, we conclude that appellant has failed to participate in good faith in the settlement conference program. Accordingly, we grant respondents' motion in part and dismiss this appeal. We decline to impose additional

sanctions against appellant. Accordingly, we deny respondents' request for an award of attorney fees within the motion to dismiss.

It is so ORDERED.


_____, J.
Douglas


_____, J.
Rose


_____, J.
Parraguirre

cc: Hon. Jennifer Togliatti, District Judge
Thomas F. Christensen, Settlement Judge
Bruce L. Gale
Bailus Cook & Kelesis
Clark County Clerk