

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS PAVING,
Appellant,
vs.
ANNA COOPER,
Respondent.

No. 48940

FILED

JAN 29 2008

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL AND REGARDING SANCTIONS

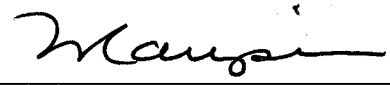
On December 12, 2007, this court entered an order conditionally imposing sanctions upon appellant for his failure to timely request transcripts in compliance with NRAP 9(a) and to timely file and serve the opening brief. Our order directed appellant to pay the sum of \$500.00 to the Supreme Court Law Library and provide this court with proof of payment within 15 days. We further stated that the sanction would be automatically vacated if appellant requested transcripts and filed the opening brief or, alternatively, a motion to extend time, within 10 days. Appellant neither requested transcripts nor filed the opening brief as directed by our December 12, 2007, order. However, on December 24, 2007, the parties filed a stipulation to dismiss this appeal. Thereafter, on December 27, 2007, appellant filed a "Motion to Vacate Conditional Sanctions."

We construe the parties' stipulation to dismiss as a response to our December 12, 2007, order. As the stipulation was timely submitted within 10 days of the date of our order, the sanctions conditionally imposed therein were automatically vacated upon its filing. See NRAP 26(a) (if the due date for a document falls on a Saturday, Sunday or nonjudicial day, the document shall be due on the next day which is not a

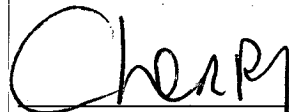
Saturday, Sunday or a nonjudicial day). Thus, appellant's "Motion to Vacate Conditional Sanctions" is denied as moot.

Pursuant to the stipulation of the parties, and cause appearing, this appeal is dismissed. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.

 _____, J.

Maupin

 _____, J.

Cherry

 _____, J.

Saitta

cc: Hon. Valorie Vega, District Judge
Thomas J. Tanksley, Settlement Judge
Lewis Brisbois Bisgaard & Smith, LLP
Scott R. Schreiber, A Professional Corporation
Eighth District Court Clerk
Supreme Court Law Librarian