

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANUEL TOLENTINO,
Appellant,
vs.
ANGELA TOLENTINO,
Respondent.

No. 49219

FILED

DEC 24 2007

JANET M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL AND
CONDITIONALLY IMPOSING SANCTIONS

This appeal was docketed in this court on April 4, 2007. Appellant did not submit the filing fee with the notice of appeal. See NRAP 3(f). Accordingly, on April 4, 2007, this court issued a notice directing appellant to submit the fee on or before April 16, 2007. Appellant also failed to file the docketing statement, which was due to be filed on or before April 19, 2007. See NRAP 14(b). On June 11, 2007, this court entered an order noting appellant's failure to comply with this court's procedural rules and notice. That order directed appellant to submit the filing fee and file the docketing statement within 10 days.

On the same day that order was entered, the settlement judge filed a report indicating that the parties had agreed to a settlement of this matter and the parties filed a stipulation to dismiss the appeal. Because an appeal shall not be dismissed until the parties first "pay whatever fees are due," on October 11, 2007, this court entered an order in which we deferred ruling on the stipulation to dismiss and again directed appellant

to submit the filing fee.¹ NRAP 42(b). In that order we cautioned counsel for appellant that failure to comply with that order may result in the imposition of sanctions. To date, appellant has failed to submit the filing fee.

The failure of a party to submit appropriate fees or to file documents that are essential to the efficient processing of an appeal deprives the parties of a prompt resolution of their case. See Dougan v. Gustaveson, 108 Nev. 517, 523, 835 P.2d 795, 799 (1992) (recognizing this court's commitment to the proposition that "justice delayed is justice denied"). Consequently, this court has declared in the Nevada Rules of Appellate Procedure that the failure to pay the filing fee, or to file a case appeal statement, docketing statement, transcript request form, transcripts, or briefs in a timely manner, may be grounds for the imposition of sanctions, including dismissal of an appeal. See NRAP 3(a); NRAP 9(a)(3); NRAP 13(b); NRAP 14(c).

We conclude that appellant's failure to submit the filing fee in compliance with the court's procedural rules, the notice issued in this matter, and 2 previous orders warrants the *conditional* imposition of sanctions. Accordingly, appellant shall, within 15 days from the date of order, pay the sum of \$500 to the Supreme Court Law Library and provide this court with proof of such payment. However, this sanction shall be

¹ We also waived the requirement for appellant to file the docketing statement in light of the stipulation to dismiss.

automatically vacated if appellant submits the filing fee or, alternatively, a motion to extend time, within 10 days from the date of this order.²

Despite appellant's failure to submit the filing fee, in the interest of judicial economy we approve the parties' stipulation and dismiss this appeal. NRAP 42(b). This dismissal does not alleviate appellant's responsibility to submit the filing fee or to pay the conditional sanction as instructed in this order.

It is so ORDERED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

cc: Hon. Sandra Pomrenze, District Judge, Family Court Division
Robert E. Gaston, Settlement Judge
Joseph A. Scalia, II, Ltd.
Veronica Lea Burris-Valentine
Eighth District Court Clerk

²Any motion for extension of time shall explain the reasons for appellant's failure to submit the filing fee in a timely manner and shall set forth sufficient cause for the requested extension of time.