

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN DENTON,
Appellant,
vs.
STEPHANIE DENTON,
Respondent.

No. 49920
FILED

NOV 14 2008
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER VACATING SANCTIONS AND DISMISSING APPEAL

On September 9, 2008, this court entered an order conditionally imposing sanctions on counsel for appellant, Don W. Prokopius for his failure to file a motion for an extension of time to file the amended docketing statement and the transcript request form. Mr. Prokopius failed to comply with our order, and on October 14, 2008, this court entered an order directing Mr. Prokopius to provide this court with proof of payment of the sanctions, and to file the extension motion and the transcript request form, as well as the overdue opening brief and appendix, by October 21, 2008.

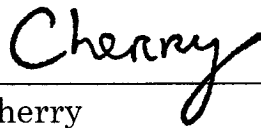
Mr. Prokopius has now filed a motion to vacate the sanctions imposed in our September 9, 2008, order. Therein, Mr. Prokopius apologizes to the court for his failure to file the required documents but states that he was involved in "continuing and ongoing efforts to resolve the ultimate issues" in this appeal. Filed contemporaneously with the motion to vacate sanctions was a "Notice of Withdrawal of Appeal."

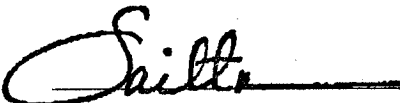
Mr. Prokopius is admonished for his failure to file the required documents or otherwise communicate with this court. Nevertheless, we

grant the motion. The sanctions imposed in our September 9, 2008, order are hereby vacated.¹ We elect to treat the "Notice of Withdrawal of Appeal" as a motion for the voluntary dismissal of this appeal. Cause appearing, appellant's motion is granted. This appeal is dismissed. NRAP 42(b).

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. T. Arthur Ritchie Jr., District Judge, Family Court Division
M. Nelson Segel, Settlement Judge
Donn W. Prokopius, Chtd.
Darren J. Welsh, Chtd.
Supreme Court Law Librarian
Eighth District Court Clerk

¹We direct the clerk to file the docketing statement received on August 7, 2008.