

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD SGAGLIO,
Appellant,
vs.
ST. ROSE DOMINICAN MEDICAL
LIMITED PARTNERSHIP, A NEVADA
LIMITED PARTNERSHIP; PMB
HENDERSON, INC., A CALIFORNIA
CORPORATION; THE CONVERSE
PROFESSIONAL GROUP, A
CALIFORNIA CORPORATION D/B/A
CONVERSE CONSULTANTS; AND
MOLD SNIFFERS, INC., A NEVADA
CORPORATION,
Respondents.

No. 50061

FILED

FEB 21 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL AND
CONDITIONALLY IMPOSING SANCTIONS

This appeal was docketed in this court on August 23, 2007. Appellant did not submit the filing fee with the notice of appeal. See NRAP 3(f). Accordingly, on August 23, 2007, this court issued a notice directing appellant to submit the filing fee within 10 days. On September 12, 2007, appellant filed a motion to voluntarily dismiss this appeal, but did not submit the filing fee.

Because an appeal shall not be dismissed until the parties first “pay whatever fees are due,” on September 19, 2007, this court entered an order in which we deferred ruling on the motion and again directed appellant to pay the filing fee. NRAP 42(b). To date, appellant has failed to pay 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 (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.¹ See NRAP 3(a); NRAP 9(a)(3); NRAP 13(b); and NRAP 14(c).

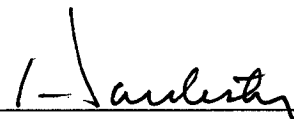
We conclude that appellant's failure to submit the filing fee in compliance with this court's procedural rules, the notice issued in this matter, and our previous order warrants the *conditional* imposition of sanctions. Accordingly, appellant shall, within 15 days from the date of this order, pay the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

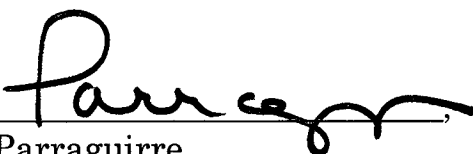
¹ We note appellant also failed to file a case appeal statement with the notice of appeal or to comply with this court's notice directing appellant to file the case appeal statement. See NRAP 3(a)(1). Appellant also failed to file a docketing statement. See NRAP 14(b). In light of the motion for voluntary dismissal, however, we vacate the requirements of filing a case appeal statement and docketing statement in this appeal.

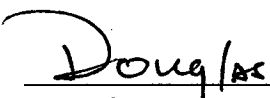
² Any motion for an extension of time shall explain the reason for appellant's failure to submit the filing fee in a timely matter and shall set forth sufficient cause for the requested extension of time.

Despite appellant's failure to submit the filing fee, in the interest of judicial economy we grant appellant's motion and dismiss this appeal. NRAP 42(b). This dismissal does not alleviate appellant's responsibility to submit the filing fee or pay the conditional sanction if the filing fee is not paid as directed above.

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Susan Johnson, District Judge
Robert F. Saint-Aubin, Settlement Judge
Valarie I. Fujii & Associates
Hurtik & Manke, LLC
Lewis Brisbois Bisgaard & Smith, LLP
Meyers McConnell
Oliva & Associates
Prince & Keating, LLP
Eighth District Court Clerk
Clark County Law Library