


IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY O. GARMONG,  
Appellant,  
vs.  
LINDA LAFOND GARMONG,  
Respondent.

No. 50512

**FILED**

NOV 10 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DISMISSING APPEAL

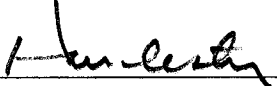
This is an appeal from a district court divorce decree. Ninth Judicial District Court, Douglas County; Michael P. Gibbons, Judge.

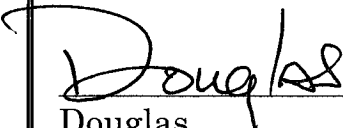
On July 7, 2010, this court received notice that respondent had filed a Chapter 7 bankruptcy petition on June 30, 2010. Pursuant to the automatic bankruptcy stay of 11 U.S.C. § 362(a)(1), this court stayed the proceedings in this case. Given the applicability of the automatic stay, this appeal may linger indefinitely on this court's docket pending final resolution of the bankruptcy proceedings. Accordingly, we conclude that judicial efficiency will be best served if this appeal is dismissed without prejudice to the parties' right to move to reinstate this appeal upon the lifting of the bankruptcy stay. Because a dismissal without prejudice will not require this court to reach the merits of this appeal and is not inconsistent with the primary purposes of the bankruptcy stay—to provide protection for debtors and creditors—we further conclude that such a dismissal will not violate the bankruptcy stay. See Dean v. Trans World Airlines, Inc., 72 F.3d 754, 756 (9th Cir. 1995) (holding that a post-bankruptcy dismissal will violate the automatic stay “where the decision to dismiss first requires the court to consider other issues presented by or related to the underlying case”); see also IUFA v. Pan American, 966 F.2d


457, 459 (9th Cir. 1992) (holding that the automatic stay does not preclude dismissal of an appeal so long as dismissal is "consistent with the purpose of the statute [11 U.S.C. §362(a)]").

Accordingly, we dismiss this appeal. This dismissal is without prejudice to the parties' right to move for reinstatement of this appeal upon either the lifting of the bankruptcy stay or final resolution of the bankruptcy proceedings, if such a motion is deemed appropriate at that time.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Michael P. Gibbons, District Judge  
Les W. Bradshaw  
Linda Lafond Garmong  
Tiffinay B. Pagni  
Stephen G. Young  
Douglas County Clerk