

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRAIG A. MUELLER, ESQ.,
INDIVIDUALLY; AND CRAIG A.
MUELLER, PC, A PROFESSIONAL
CORPORATION D/B/A CRAIG A.
MUELLER AND ASSOCIATES,
Appellants,

vs.

PAYROLL SOLUTIONS, INC., A
NEVADA CORPORATION; AND US
EXPRESS LEASING, INC., A NEVADA
CORPORATION,
Respondents.

No. 53010

FILED

FEB 10 2011

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

PAYROLL SOLUTIONS I, INC., A
NEVADA CORPORATION,
Appellant,

vs.

CRAIG A. MUELLER, ESQ.,
INDIVIDUALLY; AND CRAIG A.
MUELLER, PC, A PROFESSIONAL
CORPORATION D/B/A CRAIG A.
MUELLER AND ASSOCIATES,
Respondents.

✓ No. 53406


ORDER DISMISSING APPEAL IN DOCKET NO. 53406 AND
REGARDING BRIEFING IN DOCKET NO. 53010

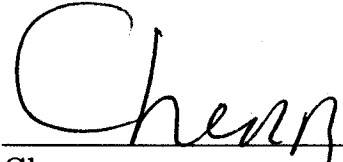
These are appeals from a district court judgment in a contract and tort action (Docket No. 53010) and an order regarding attorney fees and costs (Docket No. 53406). Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

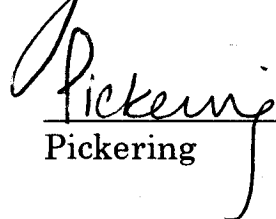
Respondent Payroll Solutions, Inc. (Docket No. 53010), and appellant Payroll Solutions I, Inc. (Docket No. 53406) (collectively PSI), have failed to file their combined answering and opening brief in these matters, which was due no later than the January 19, 2011, extended

deadline.¹ Accordingly, we dismiss PSI's appeal in Docket No. 53406 as abandoned, and the appeal in Docket No. 53010 will proceed without PSI's participation.² See NRAP 31(d) (providing that if an appellant fails to file an opening brief, the appeal is subject to dismissal, and if a respondent fails to file an answering brief, it may not be heard at oral argument and the failure may be treated as a confession of error). Appellants Craig A. Mueller, Esq. and Craig A. Mueller, PC shall have 30 days from the date of this order to file and serve any reply brief addressing respondent US Express Leasing, Inc.'s answering brief in Docket No. 53010. NRAP 31(a)(1)(C).

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Pickering

¹PSI was granted three extensions of time to file the combined brief in these matters.

²On January 12, 2011, this court received a letter from Howard Winters, acting in proper person on behalf of PSI, stating that he has directed counsel, Martha J. Ashcraft, "not to file either the opening or responding briefs in the above-referenced matters and further not to take any other action to prosecute or defend these matters." Winters further explains that PSI is no longer a going concern, its assets have been sold, and its employees have been terminated, and that he is leaving the country. It is unclear why Winters, not Ashcraft, submitted the letter notifying this court of PSI's intentions not to defend and prosecute these consolidated matters, as Ashcraft has not filed a motion to withdraw, and she thus remains the attorney of record in these appeals.

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Stephen E. Haberfeld, Settlement Judge
Mueller Hinds & Associates
Martha J. Ashcraft
Deaner, Deaner, Scann, Malan & Larsen
Howard Winters
Eighth District Court Clerk