

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA MARK NAVARRO,  
Appellant,  
vs.  
MICHELLE NAVARRO,  
Respondent.

No. 54289

**FILED**

JUN 21 2010

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

ORDER REGARDING SANCTIONS  
AND DISMISSING APPEAL

On March 2, 2010, this court entered an order directing appellant to pay the \$250 filing fee by March 12, 2010. See NRAP 3(e). That order also deferred ruling on appellant's motion to voluntarily dismiss the appeal pending payment of the filing fee. See NRAP 42(b) (an appeal may be dismissed on the motion of appellant or stipulation of the parties if all required fees have been paid).

Because appellant failed to comply with that order, on April 6, 2010, this court entered an order sanctioning appellant. We directed appellant to pay the sum of \$500 to the Supreme Court Law Library and to provide proof of payment to this court by April 21, 2010. The sanction would be automatically vacated, however, if appellant submitted the \$250 filing fee by April 16, 2010. We cautioned counsel for appellant that failure to comply with the order may result in additional sanctions, including referral to the State Bar of Nevada.

On June 9, 2010, this court entered an order directing attorney James E. Herbe of the law firm of Black & LoBello to appear personally before this court and show cause why he should not be removed as counsel of record in this appeal and prohibited from practicing in this court. On the morning that Mr. Herbe was to appear, the clerk of this

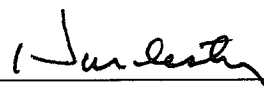
court received a phone call from an individual on behalf of Black & LoBello informing this court that Mr. Herbe had abruptly quit his employment with Black & LoBello and that the firm had not communicated with Mr. Herbe since that time.

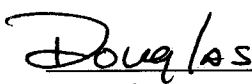
Mr. Herbe did not appear at the hearing to show cause, and neither did a representative of Black & LoBello, although that firm remains on the case as counsel of record.

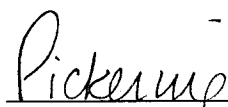
Based on the foregoing, we order the law firm of Black & LoBello to show cause why they should not be sanctioned for failing to appear at the hearing to explain their involvement in this matter.

Further, we refer attorney James E. Herbe to the State Bar of Nevada for investigation pursuant to SCR 105. Bar counsel shall, within 90 days of the date of this order, inform this court of the status or results of the investigation and any disciplinary proceedings in this matter. This court notes that the \$250 filing fee and \$500 sanction remain due. Finally, in the interest of judicial economy, we grant appellant's motion to voluntarily dismiss this appeal despite the unpaid filing fee. NRAP 42.

It is so ORDERED.

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

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

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

cc: Hon. T. Arthur Ritchie Jr., District Judge, Family Court Division  
Carolyn Worrell, Settlement Judge  
Black & LoBello  
James E. Herbe  
Michelle Navarro  
Supreme Court Law Librarian  
State Bar of Nevada, Office of Bar Counsel  
Eighth District Court Clerk