

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK A. FERGUSON,
Appellant,
vs.
ADVANCED SCIENTIFIC SOLUTIONS,
Respondent.

No. 34972

FILED

DEC 23 2003

ORDER

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

On June 19, 2000, this court ordered this appeal stayed pursuant to the mandatory provisions of federal bankruptcy law. See 11 U.S.C. § 362(a). Appellant's most recent status report, filed on February 26, 2003, informs this court that the bankruptcy proceeding is still pending.

Because this matter remains on this court's active docket, counsel for appellant shall file an updated report informing this court of the status of the bankruptcy proceedings within 30 days from the date of this order. That report, and all subsequent reports, if any, shall inform this court whether the bankruptcy proceeding is continuing and, in addition, shall specifically state whether this appeal continues to be stayed pursuant to the automatic bankruptcy stay mandated by 11 U.S.C. § 362(a). If counsel reports that this appeal may proceed, counsel shall attach to the report any relevant orders or filings from the bankruptcy proceeding.

On October 10, 2003, counsel for appellant filed a motion to withdraw. Because this matter is stayed pursuant to the mandatory stay provisions of federal bankruptcy law, we deny the motion. This denial is without prejudice, however, to counsel refiling the motion when the bankruptcy stay is no longer in effect.

It is so ORDERED.

Shearing A.C.J.

cc: Lester H. Berkson, Settlement Judge
Robert E. Dickey Jr.
David J. Otto